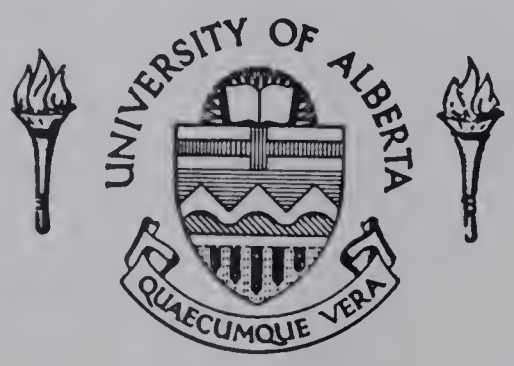
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AN ANALYSIS OF PARLIAMENTARY DEBATES ON FEDERAL FINANCIAL PARTICIPATION IN EDUCATION IN CANADA, 1867 - 1960

by

WILBERT NELSON TOOMBS

A THESIS

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FACULTY OF GRADUATE STUDIES

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled "An Analysis of Parliamentary Debates on Federal Financial Participation in Education, Canada, 1867 - 1960" submitted by Wilbert Nelson Toombs in partial fulfilment of the requirements for the degree of Doctor of Philosophy.

ABSTRACT

The purpose of this study was to examine and analyze the content of the debates of the Canadian House of Commons and Senate from 1867 to 1960 on the subject of federal financial participation in education. The topic was a controversial one rooted deeply in the economic, social, political and religious traditions of Canada.

The debates on the subject of federal aid were organized into five main topics or areas of discussion. The constitutional implications included consideration of Section 93 of the British North America Act and the changing reaction of the debate participants to the legal restrictions imposed by this section.

Associated with the legal issue was a second encompassing minority rights, particularly those surrounding religion. This aspect of the debate on federal aid to education formed one of the cornerstones for section 93 and remained from 1867 to 1960 as a debate topic.

Discussions of Canada's human resources expressed the concern of the members of the House of Commons and Senate for the development of the human potential in Canada through a better method of financing educational programs.

One of the more historically recent principles of school finance was discussed in a fourth category of the debate analysis: the principle of equalization of

educational opportunity. Included in this portion of the study was the exploration of federal-provincial co-operative endeavour in education.

The final section of the study summarized an increasing concern with Canada as a nation in a shrinking world of nations. This discussion of nationhood and of the prerequisite of education for effective participation in international endeavours centred on federal government responsibility and participation in educational finance.

The various topics which arose from the parliamentary debates on federal aid to education were related to federal government statute provisions for education, the public debate on the subject and a description of federal expenditure in education.

It was noted as a result of this study of the debates that the federal government was broadening its financial participation in education and that parliamentary debate on the subject of federal aid was increasing. It was noted further that the factors of political party affiliation, region of representation, and religious affiliation bore some relationship to the opinions expressed by members of the House of Commons and Senate.

Finally, it became apparent that solutions to the problem of federal aid to education lie less in direct grants to various educational programs and more in the kind of fiscal relationship which develops between the federal government and the provinces.

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PREFACE

> . . . I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race, where that immortal garland is to be run for, not without dust and heat. Assuredly we bring not innocence into the world, we bring impurity much rather: that which purifies us is trial, and trial is by what is contrary. That virtue therefore which is but a youngling in the contemplation of evil, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank virtue, not a pure; her whiteness is but an excremental whiteness. . . . Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human virtue, and the scanning of error to the confirmation of truth, how can we more safely and with less danger scout into the regions of sin and falsity than by reading all manner of tractates, and hearing all manner of reason?
>
> - John Milton: <u>Areopagitica</u>

CHAPTER I

INTRODUCTION

Many influences have shaped the objectives, the structure and the process of education in Canada. They have been shaped by the religious influence of the Ursulines and the Jesuits, by the missionaries of the North West Territories, by the pioneer belief in local control and by the British North America Act. The systems of education in Canada reflect regional differences, religious beliefs and provincial autonomy. It is the intent of this study to analyze the controversy of federal aid to education as one of these factors shaping Canadian education.

Provincial autonomy in education was established formally by the British North America Act in 1867. Notwithstanding Section 93 of this Act the federal government has participated in the financing of education. Central government participation began as far back as 1732 when Lieutenant-Governor Armstrong gave the following instructions regarding land grants in regions later to become Nova Scotia:

> That a town lot and a sufficient quantity of land shall be set apart within the said parish or district for the Minister, as also for the schoolmaster and their successors in office.
>
> That for the encouragement of the first minister and schoolmaster, grants in fee simple shall be made to each of them for lots as aforesaid to the other inhabitants for them and their heirs forever.[1]

[1]As quoted in: J. C. Miller, National Government and

The practice of federal grants-in-aid to education continued after Confederation. From 1867 to 1960 parliament passed over eighty separate statutes relating to expenditure in education.[2] These acts dealt with land grants, the education of the Indian and Eskimo, agricultural and vocational education, the education of children of armed forces personnel and higher education.

LaZerte suggested one possible reason for the increased participation in education by the federal government:

> The task of providing public education which in the beginning seemed so simple has expanded into a business of major proportions. Instead of one room log schoolhouses, heavy winter enrolments, schooling that ended at the grade four or five level for the majority of pupils and a teaching staff with little of either education or training, we have today, as a result of social and economic changes in intervening years, modern graded and composite schools, compulsory full time attendance to age fifteen or sixteen years, an expanded elementary grade curriculum, a large high school population and relatively high standards of teacher education and certification. In 1867 education was the cheapest and simplest of governmental services, easily administered and cheaply financed by local parents and ratepayers; today, . . . it has become the most expensive and complex of our social services.[3]

Education in Federated Democracies: Dominion of Canada (Philadelphia: The Science Press Printing Company, 1940), p. 22.

[2]See Appendix G, p. 345.

[3]M. E. LaZerte, "Present Methods of Financing Education in Canada," Addresses and Proceedings of the Canadian Conference on Education. G. G. Croskey, G. Nason, (eds.) (Ottawa: Mutual Press, 1958), p. 214.

The expensive nature of education has been due in part to the changing social and economic scene and the increased complexity of modern society. Canada's population has increased from three million six hundred and eighty-nine thousand in 1871 to over seventeen and one-half million in 1960.[4] The labour force has shifted from agricultural to non-agricultural occupations. This shift has paralleled that which has occurred in the rural to urban movement of the population.[5]

Changes occurred as well in government revenue. In 1926, Canada's gross national product stood at five billion one hundred fifty-two million dollars. By 1960 this figure had increased seven times.[6] The federal government share of revenue to all governments increased by ten percent over the same period of time. In 1960, the federal government received over one-half of revenue to all levels of government while the provincial and municipal governments shared the remainder in a three to two ratio.

But the changing Canadian scene cannot be expressed only in financial terms. Changes have occurred in technology, in communication and transportation, in production capacity and in an awareness by the people of a Canadian Nationalism. As a result of these changes provincial governments have experienced financial difficulties in their attempts to

[4]See Table I, p. 306. [5]See Table II, p. 310.

[6]See Table IV, p. 312.

meet responsibilities in education. Despite provincial autonomy in education, increasing demands and larger populations have forced a continuing examination of the role of all levels of government in educational finance. This seeking by the provinces for more revenue has produced a controversy over the sources of revenue for education.

It is within this context of change, of need and of controversy that the subject of this dissertation was placed.

I. NATURE OF THE STUDY

The federal government's financial participation in education has been of long standing and has been increasing.[7] But when federal aid is related to the constitution, to the need for equalization of educational opportunity, to the concern for national human resources and to the financial need and ability of the provinces relative to education, a controversy has arisen. This controversy has involved the religious, political and nationalistic values of Canadians. It has been influenced by two world wars and has complicated the allocation and utilization of sources of revenue among dominion and provincial governments.

The Topic

This dissertation is concerned with a study of political thought as revealed by the debates of the Canadian House of Commons and Senate on the subject of federal financial

[7]See Table VI, p. 317.

participation in education. The period of time under study extended from 1867 to 1960. The subject of concern included the attitudes and opinions of parliamentarians on federal aid. The parliamentary discussions which were examined presented the major issues of the controversy. These areas of discussion related to the constitution, to the rights of minority groups, to the responsibility of governments for the development of human resources, to the balancing of provincial control with national equalization of educational opportunity, and to a periodic emergence of feelings of nationalism among the Canadian people.

Analysis of the discussions revealed further that the five broad topics included changing attitudes and opinions as the years went by. It was found, for example, that the opinions expressed by members of the House of Commons and Senate in 1870 on the relationship of federal aid to local control were different from the opinions expressed on the same subject in 1950.

This study included, therefore, an examination of the debates of the House of Commons and Senate which related to federal financial participation in education from 1867 to 1960. An analysis of these discussions revealed five general topics into which the content of the parliamentary deliberations have been organized. Changing attitudes and opinions are reflected within these areas of concern. These topics and the evolution of political thought within them represent the major concern of this dissertation.

The Sources of Data

The major sources of data for this study was the parliamentary debates as recorded in Hansard. This primary source was supplemented by material in the Parliamentary Journals, in Statutes, in Order Papers and in the Parliamentary Record - the source for biographical information on members of the House of Commons and Senate. Secondary sources of data included reports of royal commissions and Dominion Bureau of Statistics and other government publications.

Two publications provided important background information. Miller's book, National Government and Education in Federated Democracies: Dominion of Canada, was valuable for its description of federal participation in education in Canada to 1940. This volume outlines, historically, the kinds of legislation passed by parliament concerning the various educational programs for which federal money was spent.[8]

The Government of Canada provided background information concerning the form and procedure of the Canadian Parliament. It was from this source that material regarding the environment for the debates was obtained.[9]

[8]J. C. Miller, op. cit. See particularly Chapters II, III, VII, VIII, IX and X.

[9]R. McG. Dawson, The Government of Canada (Toronto: The University of Toronto Press, 1957).

The Specific Intent of the Study

The analysis of the parliamentary debates on federal aid was designed to determine the following:

1. the major issues or areas of controversy surrounding the subject of federal aid to education;
2. the development of these issues from 1867 to 1960;
3. the relationship of the points of view expressed by members of the House of Commons and Senate from 1867 to 1960 to the religion, region of representation and party affiliation of each debater.

Procedure

The collection of data involved a survey of the written records of debate carried on in the House of Commons and Senate from 1867 to 1960. Early volumes of this record lacked indeces and required therefore a complete reading. Later volumes contain such indeces which provided direction to the researcher in his selection of debates for study.

Debates studied and recorded for analysis either were directly concerned with the general concept of federal aid to education, or were a record of discussions on specific federal financial programs in education or, finally, were parts of other topics under consideration in parliamentary deliberations.

Following the reading and recording of the debates, the organization of the material was undertaken in two dimensions. The first dimension was that of time. The ninety-

three years under study were divided into three periods. The first period extended from Confederation in 1867 to the fall of the Conservative Government and subsequent election of the Liberals under Laurier in 1896. This date appeared to approximate the beginning of a change in attitude by parliamentarians on the subject of federal aid. Following 1896, discussions reflected a move toward federal involvement in technical and vocational programs. It began to be recognized that the provinces couldn't or wouldn't satisfy increasing educational needs in these areas.

The second time period extended from 1896 to 1945. It encompassed two world wars and a major depression. This period witnessed a delineation of a variety of educational needs and laid the foundation for the increase in federal aid programs in the third period.

The final span of time included the fifteen years following the end of World War II in 1945. This period witnessed programs of federal aid and related parliamentary discussion which surpassed the preceding two periods combined. The first dimension of material organization was, therefore, one of chronology.

The second dimension of the organization of the material recorded from the debates of the House of Commons and Senate concerned that of topics. It became apparent early in the reading of Hansard that five broad areas of concern included the points of view expressed. These five topics remained to 1960 as inclusive of the points of view expressed.

The selection of particular discussions and of specific quotations from the material gathered for inclusion in the reporting of this study became the most crucial and most judgmental part of the debate analysis. This selection was made at the discretion of the researcher and on the basis of one or more of the following criteria:

1. Does the specific discussion and/or quotation reveal a different point of view on the topic of federal aid?
2. Does the specific discussion and/or quotation reflect an opinion held by at least one other debater? That is, is the expressed opinion a reflection of some kind of consensus?
3. Does the specific discussion and/or quotation reflect a reasonable image of the expressed attitudes at the point of time under consideration?
4. Does the specific discussion and/or quotation add to what appears to be the development or change of opinion from one point in time to another?

The final step in the acquisition, recording and analysis of data was to develop in writing a sequential account of the discussions within each of the topics. Some of the data applied to more than one topic and were so included. Reference to statutes and regulations was made only when necessary and in order that specific opinions might be more clearly defined and general discussions more carefully related.

Delimitations

This dissertation is not an historical treatise. Rather it is an attempt to bring together and examine parliamentary debate from 1867 to 1960 as one facet of the national concern for federal aid to education. While the expressed opinions of the members of the House of Commons and Senate were associated with their political party affiliation, with their religion, and with their province of representation, no attempt was made - except in an oblique way - to relate the debater's expressed opinions to the socio-economic conditions of the time. Nor was any attempt made to explain the reasons for points of view expressed by the various members.

This dissertation was concerned only with the debates of the House of Commons and Senate from 1867 to 1960 on the topic of federal aid to formal education. Other debates in parliament are not considered. Such topics as the New Brunswick and Manitoba school questions, the teaching of French in public schools and curricula content are examples of such exclusions.

Explanation of Terms

Federal Aid to Education. This term, along with federal aid and federal financial assistance, was defined as expenditures made by the federal government for the education of Canadian youth.[10] Such expenditures are made through a

[10]See Appendix F, p. 338 and Table XI, p.322 for an outline of such expenditures.

variety of branches, agencies and departments of the federal government. There is no implication of control associated with this term.

Committee of the Whole House. Of the many committees associated with parliament this is the most important. It is composed of the entire House of Commons acting as a committee free of the parliamentary rules of debate. Discussion of details of a bill is the special function of this committee. More flexible procedures are used and discussion is more informal. Public bills are usually considered by the Committee of the Whole following the second reading. The Committee of the Whole House functions as Committee of Supply and as Committee of Ways and Means.

Committee of Supply. When the House is concerned with the departmental estimates, that is, grants of proposed expenditures required for government operation, the details of such expenditures are discussed in this Committee. Discussions regarding the amount of money to be spent on the Royal Military Colleges are undertaken, for example, in the Committee of Supply.

Committee of Ways and Means. The Committee of the Whole House functions as a Committee of Ways and Means ". . . when it is concerned with the raising of money for public use by the imposition of taxes and when it also authorizes the payment of the sums made necessary by the grants voted by the Committee of Supply".[11]

[11]Dawson, op. cit., p. 413.

The Debate on the Address in Reply to the Speech from The Throne. Once the Throne Speech has been read there is an opportunity for general debate on the Address. This occurs at the beginning of the Parliamentary session and allows for a virtually unlimited field of argument in which every member of the House may take the opportunity to speak. The debate is limited to ten sitting days. Some of the member statements on federal aid occur during this debate.

The Passage of Bills. The passage of public bills requires that they should receive three readings in the House of Commons and three in the Senate following which they go to the Governor-General for his formal signature.

First Reading of the Bill. This is usually the first step in the passage of a bill. The first reading tends to be nothing more than a formality which serves to introduce the bill to the House.

Second Reading of the Bill. This stage in the passage of bills is normally the most important. It presents the opportunity for full and lengthy discussion on the principle of the proposed legislation. If approval is given at this stage it means that the House has agreed to the general aims of the bill. Following the approval of second reading, the bill usually goes to one of several kinds of committees for discussion on details.

Third Reading of the Bill. This is usually a perfunctory stage because the aim and details have been agreed to prior to third reading.

These steps through which a bill passes are only the more apparent ones. Beauchesne notes approximately thirty major and minor stages which a money bill encounters before being approved by the House of Commons.[12] It is in the second reading of the bill and in discussions particularly of Committee of the Whole that points of view on federal aid have been discussed.

Overview of Chapters

Chapter II introduces the controversy surrounding federal aid to education by providing an outline of the public discussions on the subject. The arguments for and against federal aid are noted. The major issues of the controversy are listed.

A brief examination of the beginnings of the federal government and the relevant sections of the British North America Act is presented in Chapter III. This chapter includes an examination as well of some elements of governmental decision.

Chapter IV outlines the major statutes which provide for federal financial assistance to education. Statutes covering land grants, vocational education, Indian and Eskimo education, the Armed forces and education, higher education and other related educational services are summarized.

[12] A. Beauchesne, Rules and Forms of the House of Commons of Canada (Toronto: Carswell Company, 1958), p. 238.

Chapters V through IX present the major issues in the controversy over federal aid to education. Chapter V considers the constitutional implications of such aid and traces the evolution of this issue as revealed in parliamentary discussions from 1867 to 1960. Chapter VI summarizes the arguments for and against federal aid as this aid affects the rights of minority groups. Chapter VII presents the controversy in the light of the development of the country's human resources. In Chapter VIII the arguments for and against federal aid are placed in the context of local control and the resulting problems surrounding equalization of opportunity in education. The final area of discussion is concerned in Chapter IX with the concept of nationalism and the respective responsibilities of provincial and federal governments for the development of Canada as a nation.

The conclusion to the study is presented in Chapter X. This includes a brief summary of findings together with an analysis of the relationship of the point of view of each of the debaters to his religion, region of representation and party affiliation.

Chapter XI outlines general recommendations for further study which have arisen as a result of the analysis of the debates of the House of Commons and Senate reported in this dissertation.

CHAPTER II

GENERAL BACKGROUND

The purpose of this chapter is to present the major aspects of the controversy surrounding federal government financial participation in education. In order to convey the points of view expressed by educators, economists and others interested in the topic, both United States and Canadian opinions are recorded. Of major concern is the debate expressed publicly as background for the Canadian parliamentary debate recorded in Chapters V through IX.

The federal aid statutes elicit reactions from many segments of the Canadian and American public. Some institutions, groups and individuals support increased aid to education by the central government. Others, deny every reason, right or responsibility for such federal action. But there is in common among the various camps an awareness of the necessity for increased expenditure on education.

Stewart noted:

> Our material resources are the tools of society, but our human resources are not only means to serve the ends of society. They are, in fact, ends themselves, or, if you like, they are both means and ends. The increased productivity which flows from educational investment in our human resources is twofold. The individual himself will derive more satisfaction from living if he is educated than if he is not. . . . The other type of productivity results from the increased satisfactions which are created by the

educated person and are available for others.[1] Few would dispute this.

Few of the public debaters would dispute that at least some minimum level of education must be afforded the citizens of any modern nation. Consequently, some degree or some part of education must be free and compulsory for the well-being and continued existence of the state itself, rather than primarily for the benefit of the individual. It is agreed also that, due to growth and change in the social, economic, political and religious scene in Canada, the provinces vary in their ability to support education. This variation, or better, inequality, among the provinces has led to inequalities in the educational programs and in opportunities for education available to youth. There is inequality as well in the burden of the cost to the people of the various provinces.[2]

The variance in opinion arises when the source of funds to alleviate these inequalities is discussed. Those in favor of federal aid feel that the nation as a whole has some responsibility for educating its citizenry so that the nation may play a more effective international role in a world which is becoming increasingly concerned about relations among nations. The opposition will stress

[1] Andrew Stewart, "Financing Education," Canadian Education (September, 1954), p. 80.

[2] See Table VII, p.318, and Table X, p. 321.

the need for local area involvement in education and the need for emphasis on the needs of the individual. Kandel expressed this major issue:

> . . . the educational problem is thus to secure a synthesis of the two extremes without incurring on the one hand excessive individualism devoid of social motives and, on the other, of such a rigid definition of social or cultural ideals that it leaves no room for growth or enrichment.[3]

I. ARGUMENTS FOR FEDERAL AID

Those in favor of federal financial participation in education argue for equalization of educational opportunity. Federal government money can be given, it is claimed, with a minimum degree of control by that body. Education is viewed as a highly productive investment and one in which the entire nation should participate.

The Canadian School Trustees' Association believes that education is of such national importance that the Federal Government should make certain that education is not allowed to fall below acceptable standards.[4] The Federal Government is dependent upon the provinces for the basic, general education of its civil service and its armed forces personnel. Gross national production totals are greatly affected by the quality of Canadian public education. The general social and cultural level of

[3]I. L. Kandel, Comparative Education (Chicago: Houghton Mifflin Company, 1933), pp. 54-55.

[4]Canadian School Trustees' Association, School Finance in Canada (Edmonton: Hamly Press, Ltd., 1955), p. 218.

Canadian life is similarly conditioned. Canadian school children, wherever they live, should have equal educational opportunities. It is to aid local district and provincial governments in providing such opportunities with some equality of effort that federal aid is needed.

Federal aid was requested for equalization at the provincial level. The principle of equalization has long been accepted at the local district level and it is being rapidly extended to the larger administrative unit level. The Canadian School Trustees' Association advocated federal aid to equalize the foundation programs that can be supported in the several provinces. The need is for federal aid sufficient to bring the basic foundation program to a level that can be financed by each province to an agreed-upon Canadian standard.

Equalization of Opportunity

These and other arguments are summed up in an affirmative and negative listing of arguments by the Chamber of Commerce of the United States as a result of discussions by the House Committee on Education and Labor.[5] Two basic arguments form the framework for those factors presented in support of federal aid. The first notes that "federal aid for the equalization of educational

[5]As noted in: E. W. Knight, (ed.), Readings in Educational Administration (New York: Henry Holt and Company, 1953), p. 506-511.

opportunities is essential and justifiable." Great educational inequalities exist in the United States. Many children attend school too little each year. School attendance averages vary across the country. Length of school terms is not uniform nor is the average number of pupils per classroom.

In many areas educational facilities are deplorably inadequate. There is great inequality in the distribution of the educational load among communities. Effort to provide for education, distribution of taxable wealth and child-adult population ratios vary across the country.

The provision of a minimum basic education is a national as well as local and state responsibility. National and international problems press this issue. Low standards in any one community are a drawback and a liability to all other parts of the country. The increased mobility of the population makes the deficiencies in any one area of importance to the nation as a whole. In addition, education has become more and more a matter of national economic importance. Self-contained and varying independent communities do not, in the modern democratic countries, contribute sufficiently to the economic, social, intellectual and political welfare of the country as a whole. The federal government might breach these inequalities by providing, through its broad tax base, financial resources to compensate for a depletion of taxable resources in the states and thereby bring about the

standards and equitable distribution of opportunities desired.

The principle of federal action and appropriations for education has long been established. This further argument in justifying federal aid looks to the historical background of the United States. The federal government has shown an interest in education from its earliest beginnings. Federal grants-in-aid are made to many other activities affecting the national welfare. In the United States, federal aid to education is constitutionally sound and is in considerable evidence.

The second major argument set forward in support of federal aid to education by the United States Chamber of Commerce summary is, in principle: "A program of federal participation in education through annual grants for the equalization of educational opportunities would be feasible and beneficial."[6]

Federal aid bills under consideration by the government (of which there were two at the time) provide for "wise and adequate administration". While matching of federal funds is not demanded, complete accounting for expenditures is, along with a minimum effort for eligibility by the states. "No control of the 'what,' 'why,' or 'who' of teaching is granted any federal agency." The states would have complete control of the distribution

[6] Ibid., p. 508-511.

and use of the aid within certain stated requirements.

"Federal grants would be effective in promoting equalization of educational opportunities to an extent not otherwise possible."[7] Better building programs, better teaching standards, more adequate educational opportunities to poor and remote areas and better provision for the atypical child - all would result from federal funds which would supplement the state and local financial outlays for education.

In terms of economic, social and political advantages, federal grants to education would be beneficial to the national economy. It would lighten the taxpaying strain in the state, ensure more intelligent consideration of political issues and would ease the tensions among racial and class groups.

Because the principle of the separation of church and state is widely protected by the states themselves, the fear that the establishment of federal aid would endanger this principle does not hold. The states are entitled to judge for themselves what services may be extended regardless of religion. Present legislation does not encourage states to modify this principle in administering federal aid.

Control

A final argument put forward in support of federal

[7] Ibid.

aid is concerned with the question of federal control of education. It is reasoned that while a certain minimum of federal "oversight" to ensure the proper expending of funds is necessary, this does not mean interference with the administration of the schools or the content of the educational programs. In addition, and on the basis of past experience, federal aid in the form of land grants has not resulted in federal control. Other federal aid administered by the United States Office of Education has not brought federal domination.

Other Opinions

Educators in favor of federal aid agree to a large extent with these arguments. Norton, in a statement presented to the New York State Conference on Education in September, 1955, noted:

> Those who oppose Federal aid for education usually base their objections on the assertion that federal participation is contrary to American tradition and on the fear that it will result in Federal control of education. The fact is Federal interest in and financial support of education have been policies which are as old as the Federal Government itself.[8]

Norton went on to deplore the weaknesses in the structure of education in the United States. He saw these weaknesses as including poor educational leadership and inadequate financial resources in many local areas. He

[8] J. K. Norton, "The Need for Federal Aid for Education," School and Society. Volume 83, No. 2081 (March 17, 1956), p. 87.

suggested that good education involves more than a tax levy against income. "Good education is a highly productive investment, the effects of which are widespread in our complex, interdependent economy." Looking at the future, it can be recognized that each generation, through the kind of education it provides its youth, buys the kind of society desired for the next generation.

> It is folly to attempt to deal with educational problems which transcend state boundaries solely through state and local action . . . the tragic mistake of recent decades is that we have foolishly thought that education was solely of state and local concern. It is also of national concern whenever its failures result in social liabilities which endanger national security and well-being.
>
> We can no longer wisely limit needed educational progress, adaptation, and support solely to local community vision and tax capacity. . . .[9]

Mort, one of the pioneers in theoretical considerations of school finance, noted three potential interests of the federal government in the support of public education. The first is concerned with the equalization of the support of a national foundation program of education. Writing in 1936, he noted:

> There seems to be fairly general agreement that the principle of equalization of educational opportunity and equalization of school support as now understood in its application to states is just as truly applicable to the national sphere of action.[10]

[9] Ibid., p. 90.

[10] Paul R. Mort, Federal Support for Public Education (New York: Teachers' College, Columbia University, 1936), p. 53.

To carry into effect this principle of equalization it would be necessary for the federal government (1) "to assist the states through federal aid to establish schools . . . to furnish the children in every locality in every state with equal educational opportunities up to some acceptable national minimum"[11] and (2) to raise funds necessary for this purpose by federal taxation sufficient to pay for this foundation program in its entirety or to assist the states in doing so.

A second potential interest of the federal government in the support of public education is the utilization of federal agencies for improving the tax system so that the proportion of support by the federal, state and local government is not unduly large. This concept is associated with Mort's "efficiency principle" which is in effect the provision of those devices which will make for the continuous adaptation of the schools to changing needs. Associated with this principle as well is the avoidance of central controls which would hamper the states and the localities in the exercise of local initiative.

> A review of our experience for more than a century disproves the conclusion that control necessarily accompanies or follows support. It proves (1) that federal support can be granted on objective bases without control; . . . (2) that federal aid can be granted on objective bases with easily interpreted specific controls, the final interpretation

[11] Ibid., p. 55.

> of these controls being left to the states. . . (3) that federal aid can be granted, leaving discretionary powers in the hands of some federal agency. In this case, full leeway is allowed for the development of central controls. This is the type of legislation that supports the conclusion that control follows support.[12]

Generally, federal control is viewed in several ways. Some feel that if federal control is necessary it should be very limited. These people believe that it would be quite unlikely that the Federal Government would ever make educational grants over which it has not control, and that it is simply not good administration to make blanket appropriations without specific accounting. Federal aid would strengthen state and local control, initiative, and efficiency in education but some well-established, precisely defined standards that will improve education would have to be set up.

> The people who advocate federal aid with no federal control believe that any centralized control may encourage educational progress during the initial stages of the program, but that such control eventually means uniformity and stagnation. . . . They contend that federal aid without federal control is possible because the Federal Government can make general purpose funds available to the various state departments of education. Such funds should be furnished with a minimum of compliance features.[13]

In any case, throughout the implementation and extension of any program of federal aid to education, care

[12] Ibid., p. 52.

[13] W. E. Rosenstengel and J. N. Eastmond, School Finance - Its Theory and Practice (New York: The Ronald Press Company, 1957), p. 167-168.

must be exercised to ensure that control is not shifted, even unintentionally, toward the Federal Government.

Methods of Granting Aid

Several methods either have been used or have been suggested regarding the distribution of federal funds for education. The first suggested was land-grant assistance. This has been used in the past in the United States where land was given by the federal government to the state for school purposes. These land grants had no federal controls and when first received were subject to a great deal of mismanagement.

> The first instance of allocating federal support for education in proportion to population was through the Morrill Act of 1862. . . . In this law, each state received 30,000 acres of federal lands for each senator and each representative in Congress. This meant that the amount of the federal grant to each state was roughly proportional to its total population.[14]

A second method was a policy of requiring states to match federal appropriations in the support of certain educational activities. This matching feature - subject to federal control, favoring the wealthier states and tending to strain state and local tax resources - has very few advocates today.

Equalization programs have also been undertaken and suggested. The interest in equalization features of any proposals for federal aid to education is only a relatively

[14] Ibid., p. 156.

recent phenomenon. More recently it has been associated with the foundation program concept which has implicit in it some control features.

The Principle of Federal Aid

Groves[15] suggested several objectives of grants-in-aid. The first to appear historically, and in the opinion of some, the most important even today with respect to federal assistance is that of stimulating local activity. When money is made available at the local level by the central authority on some kind of matching basis for a certain project, the local area is usually anxious to take advantage of such "free" money.

The equalization of costs and of opportunities is another objective of grants-in-aid. This is most plausible when the function provided for is one in which there is strong interest at every level of government and when wide variations exist among local areas in financial ability to provide for the function.

A third objective of central grants is to relieve some of the burdens of local taxation. Associated with this objective is a fourth - that of central control of local expenditure. This is done by setting some standards of efficiency and adequacy in the performance of any function at the local level.

[15]H. M. Groves, Financing Government (New York: Henry Holt and Company, 1957), p. 468-472.

> A fifth objective of federal aid . . . is that of compensatory action to mitigate the business cycle. The aids are a way by which the monetary power of the federal government can reach the finances of state and local governments during depressions.[16]

Norton and Reutter suggest eleven guiding principles for federal participation in the financing of public elementary and secondary schools which, by way of conclusion, are mentioned here.

> (1) Some federal participation in the financing of public elementary and secondary education is both necessary and desirable.
> (2) There is need for the development of a clear-cut policy to guide in the further development of federal state cooperation in the financing of public schools
> (3) The basic control of and responsibility for public schools should continue to be a matter of state and local concern.
> (4) The federal government should limit its participation in education in the states to two functions: (a) leadership (b) financial assistance to aid the states
> (5) The federal government should deal with the state rather than the local administrative unit, in the process of distributing federal aid for public education.
> (6) Federal assistance should be administered through the United States Office of Education and the chief educational agency in each state.
> (7) Federal aid to the states . . . should not involve control over the purposes and content of the educational program.
> (8) Federal aid . . . should be for broad and general educational purposes
> (9) The proportion of the federal grant for public education going to each state should be based on objective factors, such as educational need and ability. . . .
> (10) The amount of federal aid received per unit of educational load should be in inverse ratio to the amount of economic resources behind the unit

[16] Ibid., p. 471.

> rather than on a flat rate basis.
>
> (11) When state contributions are required in connection with the federal grant, the amount required from each state toward the desired level of support per unit of educational need should be proportional to the income of its people, so that the efforts of the several states will be equivalent. . . . [17]

Thus are presented, in part at least, the arguments for federal financial assistance to education. But the seeming unanimity of the sources used does not represent the entire picture. The next section looks at the other side of the question of federal aid and, as will be noted, contains arguments proposing that the federal government should not participate in financing public education.

II. ARGUMENTS AGAINST FEDERAL AID

Those opposed to federal aid to education base their arguments on the division of powers among the various levels of governments. Equalization of opportunity in education is of secondary importance when compared to the desirability of retaining local control. The dangers of federal control are amphasized by those arguing against federal aid.

The Honorable Stuart Garson, then Minister of Justice in the Liberal Government, is quoted as saying in 1956 that

[17] J. K. Norton, E. E. Reutter, Jr., "Federal Participation in the Financing of Education," Problems and Issues in Public School Finance, R. L. Johns, E. L. Morphet, ed. (New York: National Conference of Professors of Educational Administration, 1952), p. 266-267.

> . . . "federal aid to education is unwise as a matter of policy but it is not impossible from a constitutional standpoint. . . . But from a policy point of view it was impractical for Ottawa to make specific grants for education to the provinces because it would inevitably have to exercise some control over its expenditure". . . . Having quoted this argument (of the Rowell-Sirois Commission that the provinces should be placed in a position to discharge their own responsibilities in education) in support of his own point of view, Mr. Garson maintained that the provinces were in fact in a position to take care of the tasks which are their own.[18]

In 1936, Kemp expressed a major objection to the practice of Dominion subventions to the provinces which necessitates a separation of the taxing from the spending authority:

> Revision of the subsidies, though familiar in Canadian annals, is still open to grave objections as a method of equalizing provincial burdens. . . . It is probably expedient that the governmental tendency to extravagance should be curbed by the painful necessity of raising funds: this curb, however, seems to be absent when one government spends money collected for it by another. Moneys that have to be raised by 'direct taxation within the province' may be expended more carefully than those received from Ottawa.[19]

And so the controversy continues and has continued in Canada over the issue of federal aid to education. What are some of the issues which are pertinent to the

[18] Winnipeg Free Press. Wednesday, September 26, 1956.

[19] M. A. Cameron, The Financing of Education in Ontario. Department of Educational Research, Bulletin Number 7 (Toronto: The University of Toronto Press, 1936), p.12.

negative side of the argument for federal aid?

Johns and Morphet in their 1960 publication, Financing the Public Schools, noted that "if the issue of federal aid to education could have been isolated from other important national issues, it would probably have been resolved many years ago!"[20] These issues which, of course, form part of the argument against federal assistance to education include the division of powers among governments, the controversy over the effect of government expenditures on the economy, the "general welfare" clause of the United States constitution, certain limitations on Congress and on the states.

Division of Governmental Functions

Since the United States Constitution makes no specific reference to education, it has been assumed that this is the legal responsibility of the states. But, in fact, the federal government has participated in financing education.

> The Constitution in addition to being a broad statement of principles also provides broad specific grants of power to the Federal Government. Since the Federal Government has no specific grant of power to finance, regulate, control, or operate schools, colleges, institutions or educational programs, its authority to do so must be found in its implied powers. It is in the

[20]R. L. Johns and E. L. Morphet, Financing the Public Schools (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1960), p. 363.

areas of implied powers that the controversy centres.[21]

A great deal of present-day political controversy centres on two sharply contrasting views of government spending. The classical view is that government taxing and spending should be limited to the provision of a minimum of services because an increase in such spending would lead to socialism and the welfare state and, eventually, destroy the free enterprise system. The modernists feel that this increase in federal government expenditure is highly desirable. The maximizing of production and consumption and the minimizing of unemployment results from such expenditures. It is the classical view which opposes federal aid to education.

A clause in the United States constitution which increases the controversy is that which reads, "The Congress shall have power to levy and collect Taxes, Duties, Imports and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;"[22]

Equalization of Opportunity

The negative arguments as summarized by the Chamber of Commerce of the United States in 1948 are as revealing as the affirmative ones noted in the previous

[21] Ibid.

[22] United States Constitution. Clause 1 of Section 8 of Article 1. As noted in Ibid., p. 365.

section of this chapter. The two major negative arguments are:

(1) "It would be undesirable and unwise to institute grants by the federal government for the equalization of educational opportunities."

(2) "The objectives sought by federal grants to education can in most cases be adequately realized without recourse to federal aid."[23]

Education is not, properly, the function of the federal government. Historically, education has always been the concern of the local or state areas or of private groups. In addition, education is best when kept as close to the people as possible. This leads to flexibility and adaptability - factors of vital concern in a changing world. These last two vital characteristics are directly opposed to any federal control which would inevitably follow from federal assistance. Federal control, impersonal, mechanized and remote as it would be, would be against the best interests of education and democratic government.

The fact that the federal government has been consistently sympathetic to particular educational needs in vocational education, in education for the handicapped,

[23] "The Chamber of Commerce of the United States Presents Arguments For and Against Federal Aid to Education, 1948," Readings in Educational Administration. E. W. Knight, (ed.). (New York: Henry Holt and Company, 1953), p. 511-519.

and in other areas; and the fact that equalization of of educational opportunities has been proceeding under state and local impetus, makes federal aid less justifiable than ever before. In addition, increased spending by the federal government might be conducive to waste and misuse of funds, to antagonism among areas in receipt of funds and to a demoralization of the federal budget.

In a program of equalization of opportunity the needs and interests of students must be considered, full use of community resources must be made and the adaptability of grants to communities must be recognized. Equalization of opportunity is, therefore, a matter of individual and community needs - needs which are "not determined or understandable by federal administrators." Real equalization is not created by the distribution of funds on some pre-determined basis. Per pupil grants, flat grants, or grants on the basis of failure to support schools would lead only to inequality and would place a premium on local irresponsibility. In any case, some degree of inequality among communities, states and regions will exist unless education is completely federalized. For these reasons, therefore, the proposed grants for education would not bring about equalization of educational opportunities.

Control

The claim that "under federal grants we would face possible dangers both to our educational processes and to our democracy" is supported in a number of ways. The fact that federal aid would inevitably lead toward the standardization and regimentation of education is evident in the moderate degree of supervision and control accompanying the federal funds. This control and supervision would tend to introduce indirect control of many aspects of state and local policy. "Proponents of federal aid are on the horns of a dilemma, i.e., federal aid without control means waste and defeat of the very purpose of the legislation; federal aid with controls might bring improvement but at the cost of the freedom of the teaching profession - and perhaps our national freedom."[24]

Federal grants would tend to break down one of the fundamental educational principles which involves the separation of the church and the state. Eventually, demands by private and sectarian schools would be made for an extension of public funds to assist them to compete with the financially aided public schools. "Once there is an opening wedge more demands will be made until the whole principle is overthrown."

The second major statement in opposition to federal

[24] Ibid.

aid to education - the objectives sought by federal grants to education can be adequately realized without the recourse to federal aid - is based on three supporting arguments: (1) "The wider equalization of educational opportunities can be attained within the states themselves." (2) "Increased financial resources for education can reasonably be obtained in most instances within the states." (3) "The federal government could more acceptably contribute to educational progress through such channels as it has already appropriated for such aid."[25]

Federal policy in the financing of schools in the United States and Canada has never been clearly defined nor consistent. The role of the federal government in the support of schools has been governed by expediency and immediate necessities. Conflicts in ideology, economic interest and educational values have prevented the establishment of any clearly defined role which the federal government should play. Thus the negative arguments have considerable weight in any discussion of federal assistance to education.

III. CONCLUSION

Recent public discussions on federal aid to education include several significant points of view. The

[25] Ibid.

need to raise the national level of education has been stressed. At the same time the desirability of retaining local initiative and control appears to be of utmost importance. Section 93 of the British North America Act[26] cannot be contravened by allowing federal participation in education. Yet changing conditions in society[27] appear to contradict the value of a statute over ninety years old. The need to equalize educational opportunity and financial effort comes face to face with the problem of program control by a central authority. Human resources must be developed; local needs must be met.

These and other points of view appear to have been expressed by Canadian parliamentarians at various times for many years. Chapters V through IX examine this debate in the House of Commons and Senate from the Confederation debate in Quebec City in 1864 to the end of the Third Session of the Twenty-Fourth Parliament which prorogued on August 10, 1960.

In order to supply further background material, Chapter III discusses the setting in which the parliamentary debates take place. The political parties are reviewed and a note is made of some of the factors which

[26]See Appendix A, p. 326.

[27]See Table I, p. 306, Table II, p. 310, Table IV, p. 312, and Appendix K, p. 353.

might determine the points of view expressed by the various members of Parliament and Senate on the subject of federal aid.

Chapter IV presents a brief outline of some of the major pieces of legislation which regulate federal government action in various aspects of Canadian education. In addition, departmental responsibility is delineated relative to the various federal statutes and federal - provincial agreements.

CHAPTER III

GOVERNMENT AND POLITICS

I. INTRODUCTION

The purpose of this chapter is to examine some of the formal and informal features which affect the political actions of the Canadian federal government. A brief survey of the beginning of the federal government is noted. The development of the various political parties and of their respective philosophies is outlined. Various elements which might influence the decision making process of the House of Commons and Senate are discussed.

This brief examination of some of the factors influencing the political actions of the federal government is presented as a frame of reference in which to place the debates on federal aid to education. It is hoped that by providing historical background, by briefly examining the political parties and by noting the influence on decisions of such factors as pressure groups, geographical representation and religion, the points of view recorded in Chapters V through IX will be more in context and more meaningful in the debates.

II. THE FEDERAL GOVERNMENT

During the 1865 debate on Confederation, Macdonald noted:

> We have strengthened the General Government. We have given the General Legislature all the great subjects of legislation. We have conferred

> on them, not only specifically and in detail, all the powers which are incident to sovereignty, but we have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and local legislatures, shall be conferred upon the General Government and Legislature.[1]

A basic principle adopted at the Charlottetown and Quebec deliberations on Confederation was that the new government should represent a federation of provincial and central governmental functions. This form of power distribution was reflected in the proposed constitution wherein the Dominion received all the powers not given explicitly to the provinces. The pressures of strong local patriotism in Quebec and the Maritime Provinces dictated this centralized form of federalism rather than a union under one legislature.[2]

> This distribution of power between the Dominion and the provinces was the feature of the constitution greatly affected by American experience. The United States had been engaged for some years in a civil war which was attributed primarily to the constitutional emphasis on the rights and powers of the individual states, leading to the assertion of state sovereignty and eventually to armed conflict. British North America had the opportunity of profiting by the experience of her neighbour, and the conference believed that the outstanding lesson to be learned was the necessity of strengthening the centripetal forces in the proposed federation.[3]

[1] Confederation Debates (Quebec: Hunter, Rose and Company, Parliamentary Printers, 1865), p. 33.

[2] For a further short summary of the beginnings of the B.N.A. Act relating particularly to education, see infra, pp. 113-119.

[3] R. M. Dawson, The Government of Canada (Toronto: The University of Toronto Press, 1962), p. 33.

The authority of the Dominion was to be increased several ways by the proposed constitution.

First, the provinces were to receive a moderate list of powers, ". . . these being essentially those of a local or private nature which would be best suited to the capacity of position of the provincial authority."[4] In addition, the central government was to receive all the "residual powers" not expressly noted in the listing of powers.

In debate on Monday, October 24, 1864, Tupper[5] advanced a point of view which was generally accepted by the delegates to the Charlottetown Conference.

> Powers--undefined--must rest somewhere. Those who were at Charlottetown will remember that it was fully specified there that all the powers not given to Local should be reserved to the Federal Government. This was stated as being a prominent feature of the Canadian scheme; and it was said then that it was desirable to have a plan contrary to that adopted by the United States. It was a fundamental principle laid down by Canada, and the basis of our deliberations. Mr. Chandler says that it gives a Legislative instead of a Federal Union. I think that a benefit. Is the Federal Government to be one of mere delegates? We have provided for a legislative representation and for the representation of every section of all the Provinces. Such a costly Government ought to be charged with the fullest powers. It will be easier for everyone of the remotest settlers in Nova Scotia and New Brunswick to reach the Federal Legislature than the present Local Legislatures. If it were not for the peculiar condition of Lower Canada, and that the Lower Provinces have not municipal

[4] Ibid.

[5] The Honorable Charles Tupper was Provincial Secretary of Nova Scotia.

> systems such as Upper Canada, I should go in for a Legislative Union instead of a Federal. We propose to preserve the Local Governments in the Lower Provinces because we have not municipal institutions. If Conference limit the powers of the General Legislature, I feel that the whole platform is swept away from us.[6]

A second way in which the authority of the Dominion Government was to be strengthened was in the proposed power of that body to disallow or set aside any provincial law within a year of its passage. But more than this was intended. Dawson noted:

> The federation was thus intended to depart radically from the pure federal form in which the component local units are of equal or co-ordinate rank with the central government. The provinces were to be inferior bodies possessing little more prestige and authority than inflated municipalities. Even the sketchy records of the contemporary discussions which have come down to us contain scattered references to "municipal councils on a large scale," "local municipal parliaments," and the like, while the provincial legislatures are repeatedly described as "subordinate," "minor," and "inferior" bodies. "We propose," said Dr. Charles Tupper in a revealing sentence, "to preserve the Local Governments in the Lower Provinces because we have not municipal institutions"; but he was also careful to state that while "we should diminish the powers of the Local Governments, we must not shock too largely the prejudices of the people in that respect."[7]

That this kind of relationship between federal and provincial governments does not exist in practice is simply a matter of history. Indeed, the realities of power distribution between the two levels of government is far

[6] J. Pope. Confederation Documents (Toronto: The Carswell Co. Ltd., 1895), pp. 84-85.

[7] R. M. Dawson, op. cit., p. 35.

removed from the paper constitution of the Fathers of Confederation. The trend as the years passed was to enrich the authority of the provinces at the expense of Dominion.[8]

The Fathers of Confederation were not creating a constitution in a vacuum. They were directed and conditioned by many and varied influences in the community in which they lived. Confederation was, in a sense, the work of an entire society.

Among the many factors working to mold Confederation were those of an economic nature. The railway from sea to sea was a physical necessity for a workable union of the colonies and was dependent upon such a union. The proposed move toward a national economy resulted from increasing problems in international commercial strategy. The abrogation of the Reciprocity Treaty[9] along with the ceasing of special commercial connections with Great Britain meant a reorientation of trade relations with both the United States and England. British North America began to look to itself for economic elements of nationalism and found a degree of security in the diversity of its economic interest.

A more subtle yet no less an important factor in Confederation was the role played by various social forces and sectional interests. "Sectional differences had

[8] Ibid., pp. 89-115.

[9] See: D. C. Masters. Reciprocity, 1846-1911 (Ottawa: The Canadian Historical Association, 1961), Historical Booklet No. 12. The Treaty was abrogated in 1866.

wrecked the legislative union of Canada; sectional differences had helped to frustate the legislative union of the Maritime Provinces."[10] The preservation of these interests was a common purpose of all factions in the Confederation movement. And, perhaps, the most important feature of Confederation was the spirit of concession and the amicable settlement of the contrasting elements of national life.

> The federal union was a plan by which, through mutual concessions, the cultural interests and sectional loyalities could be preserved without endangering the solidity of the structure as a whole. In the eyes of its authors, one of the greatest merits of the scheme was the satisfaction which it held out to these divergent interests. The surrender of legislative union was to be repaid by the abandonment of extreme sectional pretensions. For two generations, the British of Lower Canada had struggled to obtain a political union of the St. Lawrence which would link them with the English-speaking peoples of Canada West; and the sacrifice of this ancient ideal required and received an ample return.[11]

The economic and social changes which had occurred in British North America inevitably affected the political life of the country. The common problem of public debt had suggested a political union as a base upon which financial obligations might have rested more easily. The increased fund of resources which resulted from such a union had made

[10] D. G. Creighton British North America at Confederation (Ottawa: King's Printer, 1939), p. 60.

[11] Ibid.

the transportation system more feasible and investment more profitable. The pooling of resources would enhance significantly the credit of British North America as a whole.[12]

Creighton described the political climate prior to Confederation.

> Political deadlock was not the mainspring of the Confederation movement, for political deadlock was itself the result of the entanglement of social and regional interests. It was not to make possible a stable government, but to end the sectional troubles of Canada that Brown entered the coalition of 1864; but, at the same time, deadlock, if it was not a prime cause, was at least more than the occasion, of Confederation. Confederation, which was a political achievement, could only be realized with political machinery; and the final breakdown of Canadian government in June 1864, provided both the chance and the incentive to form a party union through which a new political system could be achieved. The pressure of an inadequate political system, the uncertainties of government and the irritating shifts and devices to which in consequence administrations were reduced, all helped to arouse an urgency for action which was peculiar to Canada. The problems of the Maritimes had not found a comparable political focus; and they did not face the same necessity for immediate choice among the different solutions of Confederation, Maritime union or the status quo.[13]

Along with the economic, cultural, social and resulting political problems associated with the need for Confederation was the common problem of defence. The incursions of the Fenians and the international incidents associated with the American civil war served to solidify the resolutions of British North Americans. British imperialism was,

[12]Note Tupper's statement in Confederation Debates, op. cit., p. 67.

[13]D. G. Creighton op. cit., p. 61.

at the same time, in a state of retreat and military relations with the colonies were being reconsidered seriously. Preservation of territory, economic interests, cultural values and political loyalties became a major reason for a united front. And because military defence appeared as a necessity, Britain, anxious to avoid additional burdens of colonial defence, supported the federal scheme.

In part, therefore, Confederation was an imperial measure; in part, a means of defence, in part, an economic necessity; in part, an amelioration of sectional interests and of cultural differences. Confederation was a product of the times; a result of many qualities which were a part of the political and social life of the people.

III. THE CANADIAN POLITICAL PARTIES

Political parties are essential elements in the effective functioning of the democratic form of representative government. The purpose of political parties in the democratic society is to structure the issues about which choices can be made. The parties keep the public informed by giving expression to opinion and criticism on subjects of general interest. They are agents of cooperation and compromise among various interest groups in the society. Political parties define issues requiring special attention and reduce potentially long lists of candidates to modest proportions, thus simplifying the decision-making process for the voter. Parties represent a method of organizing voters and politicians so that policy can be carried out

with the approval of the majority of the public.

The party system, particularly under cabinet government, finds the best conditions for its operation where there are only two parties sufficiently large enough to provide a clear majority in the legislature.[14] The two party system has been characteristic of English speaking countries although Canada has experienced, since 1921, the appearance of several minor parties in federal politics. While none of these minor parties has challenged effectively the predominance of the Conservatives and Liberals, they have brought fresh ideas into federal politics and advanced the needs of neglected groups.

Underhill added a further dimension to a description of the operation of political parties.

> In a healthy democracy, however, minor parties come and go without upsetting the fundamental unity of the community. We need to understand that democracy will not work unless the things that unite the citizens of a given country are more important and are consciously felt to be more important than the things that divide them. British democracy is the best example of this. As a British leader once remarked, the voters in Britain can afford to fight vigorously and vehemently over their differences because they are all conscious that fundamentally they are united. If conflicts of economic interests, or racial or religious rivalries, divide a people too deeply, the democratic process of discussion and voting will not work. This means that in a healthy democracy the bulk of the people are grouped closely just to the right or to the left of centre, and

[14]The majority, but not all, of the writers on the subject agree with this point of view. See F. H. Underhill, Canadian Political Parties (Ottawa: The Canadian Historical Association, No. 8, 1957), pp. 3-4.

> that there are comparatively few extremists. Here is the condition that makes moderate parties possible.[15]

This concentration of political thinking around the center, while making possible the working of politics by discussion and compromise, serves at times to cloud the difference in party philosophy and action. While clear differences may exist between parties on many issues, there is sometimes a similarity of means or of ends, particularly on fundamentals, which serves to produce an apparent similarity in party thinking. The following brief descriptions of the Conservative, Liberal and minority parties attempt to define philosophies and to illustrate programs.

The Conservative Party

> The origin of the Conservative party can be fixed definitely at 1854, when a number of separate groups in the Province of Canada were brought together in temporary coalition (which turned out to be permanent) under the contradictory but accurate title of Liberal-Conservative.[16]

The Liberal-Conservative party emerged under the guidance of Sir John A. Macdonald as the first national party and imbued with the principle of an autonomous dominion controlling the northern half of North America. It represented

> . . . a coalition of French Canadians . . . with Church support, the English Canadians in Montreal business and in the Eastern Townships, the Upper

[15] Ibid., p. 5.

[16] R. M. Dawson, op. cit., p. 493.

> Canadian Tories led by the moderate Macdonald, and a good many Upper Canadian . . . Reformers.[17]

So successful was the welding of the party that it retained office for twenty-four of the twenty-nine years from 1867 to 1896.[18]

The party was "bi-racial," effectively overcoming French-English animosity through the common interest of economics. It was the party of Confederation and centralization. It identified itself with industrial and commercial interests and advanced nationalistic policies as against local causes.

> . . . They brought in to the new Dominion the Hudson's Bay territories in 1870, British Columbia in 1871 and Prince Edward Island in 1873. The Intercolonial Railway was built. And what was at the time almost a fantastically ambitious project was launched -- that of connecting the Pacific province with the East by a transcontinental railway. This was finally carried out, after the upset over the Pacific Scandal, in the 1880's. In his second term of office, also, Macdonald inaugurated the "National Policy" of high tariff protection in order to build up a well rounded national economy. These adventurous and imaginative policies made the Conservative party the nation-building party of this first generation after Confederation.[19]

But policies could not be held absolutely in the face of the political realities of a developing country. The position of the Conservatives on protective tariffs was one

[17] F. H. Underhill, op. cit., p. 13.

[18] See Appendix H, p.347 and Appendix J, p. 352.

[19] F. H. Underhill, op. cit., p. 16.

example of several rather inconclusive positions. The "National Policy" of high protective tariffs established in 1879 was somewhat modified due to the party's sensitivity to certain low tariff areas. The Conservative party was proud of its ties with the Empire. Canada, under the party's leadership, made contributions to the British navy (as against the contrasting Liberal policy of a Canadian navy), and took a firm stand against reciprocity in 1911 ". . . as an act of disloyalty to the Empire."[20] But this point of view was modified in Borden's assertion of national autonomy after World War I.

The Conservative party has both lost and gained approval over the years in their actions on provincial rights. The Conservatives, being the party of Confederation, advocating central authority and compromising their position for the sake of union, suffered severly by irritating sectional interests. The French-English "bi-racial" feature of the 1867 party had begun to disintegrate by the 1885 execution of Riel. The Manitoba Schools Question defeated the Conservatives in 1896. Quebec was offended by the Conservative 1917 stand in favor of conscription. And in 1935 Bennett launched a Dominion program of social reform which had at its keystone an attempt to exercise powers long regarded as provincial.

[20]R. M. Dawson, op. cit., p. 499.

The Conservative party has developed since 1867. This growth and change within the party has taken place along with a growing in strength of the Liberal party, a party which was solidified in opposition and which grew to play an important role in Canadian history since Confederation.

The Liberal Party

The origin of the Liberal party is not as easily defined as that of the Conservatives. Two opposition groups emerged in the 1850's to challenge, albeit weakly, the Conservative policies. The Grits of Upper Canada under the influence of George Brown[21] tock an anti-French, anti-Catholic stand and attacked vigorously the big business of Montreal. The Rouges of Lower Canada, the second group, attacked Church control of French Canada and refused to join in the Confederation movement.

The combining of the agrarian Grits and anti-clerical Rouges under Alexander Mackenzie after 1867 represented clerical opposition from Quebec, French opposition from all the provinces, and opposition from industrialists, railway magnates and wholesale dealers. In addition, the Liberals sought to become the defenders of provincial rights - a factor which prevented rapid national party unity.

[21]Brown exercised a vigorous leadership through his newspaper, the Toronto Globe.

> The first Liberal Government came into power after the Pacific Scandal had broken over the head of Macdonald in 1873. This Government was supported by the above groups which acknowledged also a separate allegiance to their own leaders: but Alexander Mackenzie, the Prime Minister, was no Macdonald, and after almost five years the party left office still a party in name only. The dour leadership of Mackenzie, the troubled genius of his chief lieutenant, Edward Blake, the administration's support of practical policies rather than those with popular appeal, its misfortune in holding office during an economic depression, its excess of political rectitude and stern principles, and its reluctance to utilize freely such lowly devices as patronage and lavish public expenditures, all combined to accomplish its defeat, and send the disunited Liberals into the wilderness for almost two decades.[22]

Laurier became leader in 1887 and set about to develop qualities in the Liberal party which would have national appeal. He modified the "National Policy" which the Conservatives had advanced. The Liberals took advantage of the English-French split which had become the lot of the Conservatives and appealed for support in the provinces which had Liberal parties in power. The period following 1896 was one of great prosperity; it saw the influx of immigrants, increased railway expansion, the opening of the west and the expansion of trade - all of which were regarded as significant Liberal achievements.

As with the Conservatives, Liberal policy was modified and, periodically, almost reversed by the conditions of the times and the varying pressures of interest groups. Tariff policy, originally tending to free trade, was modified to

[22]R. M. Dawson, op. cit., p. 495.

include Imperial preference. This latter policy served to move the Liberals away from their original stand of an aggressive nationalism in Imperial relations and, in fact, served to further the unity of the Empire. But, for the most part, the Liberal party has moved in the direction of autonomy for Canada.[23]

Partly because of its history of opposition to the Conservative party which stood for centralization, and partly because of the strong provincial Liberal parties, the federal Liberal party stood for the rights of the provinces as against the dominance of the Dominion. Liberal administrations returned the natural resources to the prairie provinces and in 1937 appointed the Rowell-Sirois Commission to study dominion-provincial relations. Following World War II, however, marked change in this policy has occurred. The need for greater centralization of power at Ottawa and the need for more social legislation requiring the introduction of programs originally felt to be prerogatives of the provinces have both been somewhat satisfied by Liberal governments.

> The truth which lies buried in this confusing record is that although there is no rigid consistency to be found in either party's performance, certain broad tendencies and attitudes can be traced as fairly indicative of each party's general position.

[23]Mackenzie King participated in the 1926 Imperial Conference which formally enunciated the equality of the United Kingdom and the Dominions.

> It may, for example, be asserted with some confidence that the Liberals desire a lower tariff than the Conservatives; that they are more inclined to favour the primary producers, especially in Western Canada; that they are more nationalistic and less Imperialistic; that they are generally more tolerant of sectional or racial differences. In short, Liberals and Conservatives approach a new or old problem not with a predetermined philosophy behind them, but with a certain leaning or bias which, however, each is prepared to modify--and sometimes to modify substantially--should the circumstances seem to warrant it.[24]

The Minority Parties

Prior to 1920 Canadian political activity had been on a two-party basis. A number of minority parties have appeared on the Canadian political scene since 1920 to represent a variety of sectional interests. While these "protest" parties have come into power at the provincial level, they have never presented a serious threat in the federal field.

The Progressive party. The Progressive party was organized in 1920 and was supported by the farmers of Ontario and of the prairie provinces. Convinced that the interests of the farmers were being neglected, the party proposed abolition of tariffs on various items and a general reduction of all tariff restrictions. The Progressives advocated reciprocity with the United States, changes in income and corporation taxes, public ownership of public utilities and such political reforms as proportional representation.

[24] R. M. Dawson, op. cit., p. 502.

During the life of the movement, which lost its identity around 1930, Prime Minister Mackenzie King endeavoured to bring the Progressives back into the Liberal party from which most of them had broken away.[25] The Liberal legislative program included general tariff reductions, lowered sales taxes and increases in the Imperial preference - all of which were basic to Progressive party philosophy. This continued pressure by the Liberals along with the inclusion in the Liberal platform of many of the best ideas the Progressives had to offer served to disintegrate the Progressive party.

The Co-operative Commonwealth Federation. The C.C.F. came into existence in 1932, following the beginning of the Great Depression. The program of the C.C.F. included the socialization of all financial agencies, transportation, communications and public utilities.[26] Socialized health services, crop insurance, encouragement of co-operative institutions and the abolition of the Canadian Senate were further proposals put forward by the party.

In the late 1950's the party changed its name to that of the New Democratic Party. Zakuta reported on the development and future of the party as follows:

> The C.C.F. is one of many groups that have travelled some distance along the familiar road from sect to church. Its sectarian characteristics

[25]The United Farmers of Alberta (U.F.A.) was the western branch of this movement.

[26]R. M. Dawson, op. cit., p. 511.

faded rather than disappeared with prosperity and political success. The worldly achievements of many of its leaders and members helped to soothe the party's anger and obscured its vision of the "new commonwealth". It could no longer impart to its members the comforting and stimulating images of themselves as rebels against society and prophets of a new social order. Nor have such roles been in great demand in recent years and certainly not through the medium of radical politics.

The C.C.F. became a much more conventional party in belief, organization, and participation. The morale of such a party hinges on its prospects of imminent success. The continued decline of these prospects discouraged many of the leaders and followers from active participation. The result was a still further lessening of involvement, morale, and, consequently, future prospects of success. The core of the "faithful" and the memory of a deeper involvement remain, however, as important sources of continued loyality and stability. Whether they can arrest the downward spiral of defeat, discouragement, and diminishing interest is the question on which the C.C.F.'s survival as a national party hinges.[27]

The Social Credit Party. In 1935, the Social Credit Movement swept Alberta. Capitalizing on the discontent which developed during the depression, the party produced monetary schemes to assist particularly the agricultural interests of the province. The monetary ideas gradually were replaced by an emphasis on liberty for the individual and support for free enterprise.

Commenting on the characteristics of the movement and on the leadership qualities of Aberhart in the movement, Irving wrote:

[27] Leo Zakuta, "The C.C.F.-N.D.P.: Membership in a Becalmed Protest Movement," H. G. Thorburn (ed.), Party Politics in Canada (Toronto: Prentice-Hall of Canada, Ltd., 1963), p. 108.

Whether considered in terms of nature or nurture, Aberhart was an arch-conservative in education, religion, and politics. The Social Credit movement has always been at great pains to appear as a reform rather than a revolutionary movement. As such, it has differentiated itself sharply from socialism (whether Fabian or Marxian) in several important respects. It seeks a limited objective, the transformation of the monetary and financial system of capitalism (it will make capitalism "work"), never the revolutionary reconstruction of society at large. It is strongly steeped in the current mores of capitalistic society. It attempts to establish a claim on existing institutions by emphasizing its respectability and its essentially Christian character. Finally, as a merging of social reformist and religious interests, Social Credit has constantly reaffirmed the ideal values of Christian capitalistic society. Aberhart would not, therefore, have been equally successful as the leader of a socialist movement for the reason that the philosophy of socialism was utterly foreign to his mind and personality. But it would probably be difficult to discover a leader whose intellectual and emotional capacities were more ideally suited for the acceptance and propagation of the philosophy of Social Credit.[28]

Summary

Political parties are necessary for the proper functioning of representative government. In Canada, the Liberals and the Conservatives have been the two dominant parties since Confederation. Minor parties have crossed the political scene periodically but never with enough strength to challenge the two major parties in their bids for election.

[28] J. A. Irving, "Interpretations of the Social Credit Movement", H. G. Thorburn (ed.), Ibid., pp. 94-95.

IV. ELEMENTS OF GOVERNMENTAL DECISION

The pressures of conflicting interests are always evident in the debates and decisions of parliament. The factors of the party platform, of a sensitivity to public opinion, of the needs of particular regions of the country, of the existence of pressure groups, of the features of the statute under debate, of the particular time in the history of Canada and of the attitudes and opinions of individual members of Parliament are woven together in a complex fabric called decision-making. An individual member of Parliament belongs to a political party which forms the government or is in opposition. He comes from a particular geographical area. He is sensitive to the opinions of his constituents in discussion of the Bills put to the House. His "stand" on an issue is determined partly by the apparent needs of his constituents and by the kinds of commitments he and his party have made. Some of these factors operating in the debates and in the decisions are noted, not to suggest causes for points of view, but to illustrate the conflicts of interest present in that part of the democratic process called parliamentary debate.

Pressure Groups

Pressure groups representing many interests and of varying strengths are constantly maneuvering for position in the exercise of influence. The strong pressure of a religious group was instrumental in defeating the Conservatives in 1896.

The tariff policies of the Liberal party have been affected by the pressure of farm groups. Social legislation has resulted in part from the pressure of those concerned with the poor, the unemployed, the sick and the aged.

The skill of the party and of the individual member of Parliament in satisfying the wishes of various groups is often tested. The longevity of party power is, in part, a function of pressure group satisfaction. Underhill wrote of pressure groups as follows:

> But special interests have long understood the value of having their spokesmen in the national capital to see that cabinet and parliament do not neglect their views. Lobbyists for manufacturers, financial institutions, railways, bankers, miners, lumbermen, trade unions, farmers' organizations, churches, consumer groups, and many other organized interests, are always to be found in Ottawa whenever there is legislation or policy under consideration that affects them. No government would dream of acting without making itself informed of the opinions of these interest-groups. But their part in politics and their methods of influencing political parties have not been studied so thoroughly in Canada as in the United States. Politics consists of the interactions of political parties, pressure groups and that imperfectly defined entity which we call the public.[29]

On occasion a pressure group has organized itself into a minor national political party. The Progressives, the United Farmers of Alberta, the Social Credit and the C.C.F. are examples. However, political implications of such organization are sometimes to the advantage of the major party in power. King, in an address to the House on April 3, 1930, illustrated one way of handling the political

[29]F. H. Underhill, op. cit., p. 8.

pressure of provincial parties.

> So far as giving money from this federal treasury to provincial governments is concerned, in relation to this question of unemployment as it exists today, I might be prepared to go a certain length possibly in meeting one or two of the western provinces that have Progressive premiers at the head of their governments, but I would not give a single cent to any Tory government. . . . With respect to giving moneys out of the federal treasury to any Tory government in this country for these alleged unemployment purposes, with these governments situated as they are to-day, with policies diametrically opposed to those of this government, I would not give them a five-cent piece.[30]

The Party Platform

The party platform, or outline of governmental policies, is usually ratified by a convention of the members of the party. To stand for election under the banner of the party is to accept the philosophy, policy and procedure of the party. This acceptance is evident in the election campaign which the party member conducts. His point of view in parliamentary debate often reflects party policy. The member's voting record on bills before the House will be largely in support of his party.

Adherence to the platform is more important to the party in power than it is to the parties in opposition. Opposition parties nevertheless base criticism of suggested programs upon the general viewpoint of their party. It is difficult at times, however, to discern real differences in

[30]Canada House of Commons Debates (Ottawa: King's Printer, 1930), pp. 1227-1228.

platforms particularly in those of the two major parties.

The "Regional" Factor

Each Member of Parliament is elected from a constituency (or voting area) in Canada. He is elected by a plurality or majority of the constituency voters because for one reason or another they think the candidate will represent their interests the best in the House of Commons. The elected representative must be sensitive to the interests of the particular area he represents. Maritime areas have different interests than prairie constituencies. Urban needs are different from rural wishes. The needs of the fisherman often conflict with those of the manufacturer. A French catholic constituency makes demands on its representative which are often different from the demands of an area predominantly Ukranian.

The Factor of Time

The political party, and in a lesser sense each member of the House, endeavor constantly to bring about the happy situation where the "right" policy is advanced at the "right" time. Parties and individuals advance policies which are years ahead of the best time for implementation. Often programs are changed from time to time to meet emerging situations. Often what is the best time for implementation of policy in one part of the country or for one particular interest group is a very poor time for another geographical area or interest group.

In 1917, the Liberal Party split apart on the

subject of conscription. In 1940, the party was opposed to the policy. But, in 1944, the Liberals consistently supported the plan of conscripting armed forces personnel. This is one example of the influence a particular period, in the course of events, has on party and government policies.

Determining the best time for advancing certain party policies and for passing specific legislation is of major concern to political parties and to Parliament as a whole.

Summary

The participant in parliamentary discussion is aware of many factors influencing decisions. He is concerned with a responsibility to his constituents. He is aware of the policies of his political party. He must determine the most advantageous time for the passing of a bill. He is beset by the expressed needs of various groups.

In addition, the debater is conscious of his own attitude to the subject under discussion. He is more interested in some proposed bills than in others. Whether his party is in power or in opposition influences the expression of his point of view.

These and other factors operate in the exchange of fact and opinion among the debaters.

V. CONCLUSION

The purpose of this chapter has been to present background information pertinent to parliamentary debate.

A short summary of the beginnings of the federal government was presented. The compromise evident in creating the British North America Act has determined a kind of centralized federalism peculiar to Canada. The distribution of powers between the central and provincial governments has governed federal government legislation since 1867. The kind of federal government Canada has influences the decisions members of that government make.

Political party history has been examined briefly in order to place debates on federal aid in the context of party philosophy and party development.

Various elements operating to influence the points of view of Members of Parliament have been presented in outline form.

CHAPTER IV

STATUTORY PROVISIONS

The major purposes of this chapter are to examine briefly public finance in Canada and to outline the activities of the federal government in education. This topic serves to supplement the background material presented in Chapters II and III.

I. PUBLIC FINANCE IN CANADA

Prior to 1867 each of the colonies incorporated into the Dominion of Canada had complete control of its finances without interference from Britain. As a result, an important factor behind the demand for responsible government was public insistence that each government should control the expenditure of funds raised by its taxation. The responsibilities of the provinces were, judged by modern standards, still modest. These included railways and canals, education, the post office, immigration, justice and national defence. In contrast with today, the expenditures on education were limited because the people were largely concerned with only an elementary education.

One of the most difficult problems which delegates had to face at the inter-provincial conference in 1865 was the division of taxing power between the provinces and the dominion. The major problem for the provinces was that the yield from the different sources of revenue was

not enough to pay for the responsibilities which were acquired as a result of the agreed-upon division of powers.

A solution was determined at the inter-provincial conference by giving the Federal Government the power to raise money through custom duties and through a greater potential source -- any mode of taxation. The provinces received the right to raise revenue only by direct taxation. At the same time the Federal Government took over all the existing debts of the four original provinces and, in addition, paid to them annual cash subsidies. The provinces undertook the less costly governmental tasks.[1]

> The establishment of such a powerful federal structure meant the inevitable reduction of the functions and revenues of the provincial governments. In the work of economic expansion and integration, the provinces were clearly expected to play a minor role. They would be required to support civil government and to contribute to the maintenance of justice within their respective jurisdictions; but these were relatively stable charges which it was hoped under Confederation might be materially reduced. There was, at the time, not the slightest expectation that the problem of public welfare would ever become a serious burden; and the total cost of charitable and social undertakings, even including education, had not amounted to more than 9 per cent of total expenditure in British North America during the fiscal year of 1866. In those days, the need of social services was small; it was expected, if anything, to diminish rather than to increase. The British North American provinces were on the whole, expanding agricultural economies. There were no great industrial centres in which unemployment could find a fixed focus; there was no economic discontent which was not expected to find a ready solution on the frontier. In the relatively decentralized structure of society, public

[1]See Appendix A, p. 326.

welfare was necessarily a local problem; and the practice of coping with it by means of municipal, fraternal and religious charitable organizations was confirmed by the prevailing theories of the time.

There was thus no reason for the Fathers of Confederation to anticipate any large increases in the responsibilities of the provincial governments; and both unionists and anti-unionists agreed upon the relative unimportance of the functions which had been entrusted to them. At the Quebec Conference, George Brown reminded the delegates of "how insignificant are the matters agreed at Charlottetown, to be left to the Local Governments"; and, in his Sherbrooke speech, Galt assumed, as a matter of course, that they would have "a very insignificant amount of work" to do. In the Prince Edward Island Assembly, George Coles complained that "in this House, scarcely anything should be left for us to do, but to legislate dog taxes and the running at large of swine"; and these complaints were echoed in the legislatures of the other Maritime Provinces. "Every one knows what the local legislatures will be under this scheme - very insignificant bodies," declared Bourinot during the debate on Confederation in the Nova Scotia Assembly. And his fellow member, Le Vesconte, waxed very sarcastic at the expense of the future local governments.[2]

While the 1867 federal-provincial fiscal arrangements were intended to be final, by 1907 the whole scheme of subsidies to the provinces had to be revised. Expenditures had increased for both federal and provincial governments. Westward expansion, World War I and commitments to capital expenditure added to the debt of the governments. Along with these factors, financial disparity among the provinces added to the state of fiscal confusion.

[2]D. G. Creighton, British North America at Confederation. A Study Prepared for the Royal Commission on Dominion-Provincial Relations. Appendix 2 (Ottawa: King's Printer, 1939), p. 82.

The provinces had had their powers enlarged by a steady growth of governmental functions (including highway construction, social services and labor legislation) and by jurisdictions legally acquired. Social services, including many provisions for the health and welfare of residents of the provinces, expanded noticeably and placed an increasing burden on the provincial purse.

One of these social services was education. Currie reports on the changing emphasis in this area:

> One other field of provincial control, education, also became more and more expensive as time went on. Before the industrial revolution began to influence Canadian economic life, formal education consisted almost literally of the Three R's. A knowledge of farming, of a trade or of a profession like the ministry, law or even medicine was picked up by observation of those already in that occupation. As time went on, life became more complex. One needed more than the first few years of elementary schooling in order to deal effectively with the problem of earning a living and fulfilling the duties of citizenship. Professional education involving several years' study was required in preparation for work in the church, the law courts and medicine and was becoming virtually essential in teaching, pharmacy and engineering, and important in agriculture, architecture, commerce, forestry, social service and so on. Moreover, vocational or technical education was given in a wide range of subjects. More branches of learning were taught; more young people attended schools and universities; expensive equipment was needed for teaching purposes and teachers, being themselves more highly trained than before, were better paid. Thus industrialization and the complexity of modern economic life greatly added to the cost of education. Since education is a type of governmental activity which comes almost entirely within provincial and municipal control, their expenses have increased on this account.[3]

[3] A. W. Currie, Canadian Economic Development (Toronto: Thomas Nelson and Sons (Canada) Limited, 1960), pp. 330-331.

The provinces experienced increased demands for social services. The provision of these services increased the financial burden which the provinces had to carry. At the same time, the yield from provincial direct taxation remained relatively constant.[4]

The growing disparity between provincial need and ability to finance was ameliorated only slightly by federal subsidies. But the principle of such subsidies had been established and were expanded in tax-sharing arrangements, conditional grants and government agreements during the 1950's.

Factors Shaping Fiscal Policy

One of the major expenditure increases which the provinces experienced through the years was for education. A variety of forces were at work to shape fiscal policy in education. Systems of educational finance in Canada have operated and continue to operate within a framework of social, ecconomic, religious and political influences.

One of the first influences on educational spending was in the realm of religion. The clergy conducted the schools of the old French Regime in Canada and Acadia largely with a religious end in view. The Jesuits and Ursulines established schools for boys and girls respectively in Quebec around 1635 and 1642. "The work of these schools was limited by the difficulty of retaining

[4]See Table IV, p. 312.

pupils for long and by shortage of funds;"[5] These early schools received money for their support from contributions made to the religious organization under whose control they operated. The first lay boards, in French Canada, were established by the Act of 1829. Grants from the province were forthcoming to assist these boards which gradually, and by the Act of 1846, established a system of control by two relatively autonomous committees. But while a lay board operated the schools, the religious influence still persisted.

In the English colonies, the religious influence was felt mostly through the Society for the Propagation of the Gospel in Foreign Parts which established schools in Newfoundland and Nova Scotia prior to 1750. Non-conformists were more in evidence in the English colonies, however, and with state aid in support of their program, they forced the Church of England into a retreat. The Society disbanded in 1858.

Cameron writes of the outcome of this persistent religious concern influencing public education:

> The most important single reason for . . . making education in Canada a provincial matter was the presence in the country of "two nations warring in the bosom of a single state" The province of Quebec, overwhelmingly French and Roman Catholic, would never have consented to a

[5] C. E. Phillips, The Development of Education in Canada (Toronto: W. J. Gage and Company, Limited, 1957), p. 20.

> plan for confederation which removed schools from provincial control. Confederation of the provinces of Canada would have been quite impossible unless each province was allowed to retain control of education within its boundaries. And, moreover, it is very probable indeed that this arrangement will not be disturbed for a long time to come.[6]

Today, in Canada, five of the ten provinces recognize religious denominations in the establishing of schools and almost as much provincial financial support is awarded these denominational schools as is given to the public schools. In four other provinces "gentleman's agreements" and unofficial arrangements have produced almost the same situation regarding religious minorities.

The second major force operating in school finance, and based in the history of Canada, is that of increasing local concern for education. Growing in part out of a non-conformist attitude to religion and in part out of the establishment of local community schools backed by a tradition of local control, the English speaking colonists, particularly, petitioned the government for support in their efforts. After some time of only slight recognition of these demands, the provincial governments finally did contribute and established a pattern of provincial aid to locally initiated schools. This pattern is still evident in provincial action in education.

[6]M. A. Cameron, The Financing of Education in Ontario, The Department of Educational Research, Bulletin Number 7 (Toronto: The University of Toronto Press, 1936), p. 10-11.

The development of provincial responsibility for education -- occuring mostly during the nineteenth century -- is the next major influence on education and on educational finance. Grants to schools varied in size, in basis of distribution and in terms of striking a balance between the provision of a stimulus for action and the denial of local responsibility.

> The latest stage began in effect at the end of the first World War and is still in the process of development. In this stage the dominant idea is equalization of educational opportunity. The factors that have contributed to the growth of this idea were: the tremendous increase in educational expenditure, which tripled in each of the first two decades of the century, and more than tripled in the decade between 1941 and 1951; the extension of secondary education to a much greater number of students; and the demands for special educational services of all types, some of which are very much in dispute. When total expenditures were comparatively small and the program was limited, the inequalities in the burden carried by local authorities did not appear too significant. As the normal expenditures increased and the schools attempted to meet the demand for new services, the variation in the burdens became increasingly large.[7]

Several methods of reducing inequalities have come into evidence. Consideration of the fiscal abilities of the local units, an increase in flat grants, expansion of the size of local units - these and other factors influenced the provision of grants and the development of equalization tendencies.

[7]H. P. Moffatt, Educational Finance in Canada (Toronto: W. J. Gage, Limited, 1957), p. 39.

Provincial grants to education vary a great deal across Canada. These grants, both conditional and unconditional, may be classified as basic grants, maintenance and equipment grants, grants in aid of transportation and equalization grants. Control exercised over the expenditure of such money is both direct and indirect. School acts and department regulations reveal direct controls and stipulate reasons for cancellation of grants. Indirect controls rest in "approved costs" and in qualifying mill rates.

LaZerte comments on the present methods of financing education in Canada:

> The task of providing public education which in the beginning seemed so simple has expanded into a business of major proportions. Instead of one-room log school houses, heavy winter enrolments, schooling that ended at the grade 4 or 5 level for the majority of pupils and a teaching staff with little of either education or training, we have today, as a result of social and economic changes in intervening years, modern graded and composite schools, compulsory full-time attendance to age 15 or 16 years, an expanded elementary grade curriculum, a large high school population and relatively higher standards of teacher education and certification. In 1867 education was the cheapest and simplest of governmental services, easily administered and cheaply financed by local parents and ratepayers; today, in 1958, it has become the most expensive and complex of our social services.[8]

[8] M. E. LaZerte, "Present Methods of Financing Education in Canada," Addresses and Proceedings of the Canadian Conference on Education. G. G. Croskery, G. Nason (ed.). (Ottawa: Mutual Press, 1958), p. 214.

The Organization and Financing of Education

There are several features characteristic of the organization and financing of education in Canada. The first is that the governments of the provinces have exclusive rights in and responsibility for education.

> Section 93 of the British North America Act states that in each province the legislature shall have the exclusive power to make laws in relation to education, provided it respects any right or privilege which anyone has by law in the province at the time of union. . . .[9]

> Secondly, it is recognized in Canada that . . . education should be administered by local authorities, directly or indirectly responsible to the citizens and to the parents of the children being educated. Only through local administration can the religious influence and the tradition of parental responsibility express itself in the amount and type of education to be given to our children.[10]

A third principle is the belief that no matter where children live they should receive that kind of education which best suits individual needs and the needs of society. This is the principle of equality -- equality of opportunity and of finance.

Finally, and growing out of the preceding concept of equality, is the concept of the foundation program - a

[9]R. M. Dawson, The Government of Canada (Toronto: The University of Toronto Press, 1958), p. 99-100. See also Appendix A., p.326.

[10]Moffatt, op. cit., p. 44.

partnership between local and central authorities working towards some agreed upon minimum of education. Equality of sacrifice at the local level in the provision of this basic program is of first importance in this concept,

The Federal Government gives aid to education at the present time, though not as direct assistance to elementary and secondary schools. For the fiscal year, 1958, the total contribution to education amounted to approximately one hundred million dollars.[11] These contributions were made through such departments as the Department of Labour, Department of Citizenship and Immigration, National Research Council, Department of National Health and Welfare, Department of Veteran's Affairs and the Department of Finance. The following areas received grants: apprenticeship training, youth training, foremanship and supervisory training, vocational correspondence courses, vocational school buildings, equipment and assistance, frontier colleges, Indian education, publications for language classes, physical fitness and grants to universities.[12]

In addition to these, other expenditures for items as much of an educational nature are made by the Dominion Government. These include: the production and distribution of films; school and educational broadcasts; aid to

[11]See Table XI, p.322, and Appendix F, p. 338.

[12]See Appendix F, p. 338.

schools of social work; extension education in agriculture, fisheries and with inmates of penitentiaries; non-military phases of education given in military and naval colleges.

It is interesting to note that no province has refused aid to education by the Dominion government except in Quebec's non-acceptance of university aid. It is also interesting to note that no loss of provincial autonomy has resulted following acceptance of Federal money.

The LaZerte report on school finance in Canada suggested:

> The Federal Government has an interest in education. It has shown this interest at the University level by giving general university grants, at the secondary school level by assisting vocational education and at (the) elementary grade level by the training of youth in skills useful in industry, and in the armed forces.
>
> The data presented show that the often-quoted provisions of the British North America Act do not legally and need not politically prevent the Federal Government from giving financial assistance to the provinces. The provinces alone may legislate regarding schools and education, a provision that guarantees provincial autonomy regardless of the amount of assistance given by the Federal Government.[13]

It is clear, therefore, that this report favours Federal assistance to education. Several ways are suggested in which federal money might be distributed. The report recognizes the great variations among provinces in Canada in their sources of wealth, expenditures on

[13]Canadian School Trustees Association, School Finance in Canada. M. E. LaZerte, Research Director (Edmonton: The Hamley Press, 1955), p. 192.

education and quantity and quality of the educational program offered. It is recommended that to at least partially overcome this condition of inequality in education in Canada that federal grants to the provinces in aid of education be greatly increased and that they be "general" instead of special in nature. The report concludes with this comment:

> . . . Federal aid for education is only an extension of the general principle recognized in Dominion Government finance, namely, compulsory contributions to the Federal treasury according to tax-paying ability and assistance in return according to provincial needs.[14]

But this is only one side of a many dimensional problem. The Report of the Royal Commission on Dominion-Provincial Relations comments on education in terms of rapid expansion and change in the country. Education called for special treatment in this report both

> . . . because of the nature of the subject and because it was expressly assigned (subject to certain controls in Section 93 of the British North America Act) exclusively to provincial jurisdiction in 1867. But the expansion in the concept of education since 1867 has been as unexpected as the expansion in social services generally.[15]

In effect education is no longer thought of as concerned entirely with the instruction of the young during

[14] Ibid., p. 221.

[15] Report of the Royal Commission on Dominion-Provincial Relations, J. S. Sirois, chairman, "Recommendations", Book II (Ottawa: King's Printer, 1939), p. 50.

a highly formative period of their lives. Adolescent and adult training is conducted today, on a scale hardly anticipated in 1867; new techniques (such as radio and television) have been brought into the realm of education. The increasing demands for more and better education have led, among other things, to many representations to many commissions.

One such representation to the Rowell-Sirois Commission suggested that financial help be extended by the Dominion to the provinces for various purposes such as scholarships, technical training, and grants to be used for general educational purposes provided that the provinces did not reduce their own expenditure on education.

This representation -- along with a second type calling for relatively small grants from the Dominion to safeguard and stabilize certain phases of education which are believed to be of certain national interest -- met with opposition from the commission. The reasons put forward for the undesirability of such representations in the fields of elementary and secondary education included the following:

(1) The provinces must continue to control the education of the child in his formative years. "A free hand is something so important to the social and cultural life of the people seems to us to be vital to any provincial sutonomy worthy of the name, and it is obvious that any attempts to alter the existing arrangements would meet with

powerful opposition and would provoke profound resentment."[16]

(2) The province should be placed in a position so that it might discharge its responsibilities for education if it chooses to do so. The provinces must have the right to decide the relative importance of expenditure on education and expenditure on other competing services.

> Once this position is established it seems to us best that education, like every other form of welfare service in a democratic community, should have to fight for its life, and that a generous provision for the education of the children should depend, not on any arbitrary constitutional provision, but on the persistent conviction of the mass of the people that they must be ready to deny themselves some of the good things of life in order to deal fairly by their children.[17]

Thus the controversy has raged and whether one agrees or not with the views of commissioners, of those in public service, of educators, or of "the man-in-the-street", one thing is clear: financial assistance by the federal government in public education is becoming an increasingly pressing issue in Canadian education.

II. FEDERAL AID : THE STATUTES

The Federal Government, despite constitutional limitations, adverse criticism and an absence of established policy, has passed over eighty statutes concerning education.[18] These statutes, many of which were

[16] Ibid., p. 50. [17] Ibid., p. 51.

[18] See Appendix G, p. 345.

administrative in their content, outlined policy and procedure in a variety of educational activities. These acts were passed by both Liberal and Conservative federal administrations and reflect, to a limited degree at least, some of the problems and pressures facing education at the time of enactment.

The following sections outline only briefly the kinds of action, as revealed in the statutes, which the federal government undertook in education. It is around these acts that much of the parliamentary controversy regarding federal aid to education was expressed.

Land Grants in Aid of Education

One of the chief sources of wealth and income was land. The principle and practice of providing grants of land in aid of education was begun over one hundred years prior to Confederation.[19] By 1867, Nova Scotia, New Brunswick, Ontario, Quebec and British Columbia had grants of land in aid of education.[20]

When the two colonies of Upper and Lower Canada were united into the Province of Canada in 1840 one of the first problems to receive consideration was that of making "further provision for the establishment and maintenance of Common Schools throughout the Province" by the

[19] Supra, p.1.

[20] Prince Edward Island owned no crown property and was therefore unable to allocate land for educational purposes.

creation of "The Common School Fund".[21] This Act provided for a permanent fund which would be built by the selling or leasing of land set apart as land grants. This fund would be invested in "safe and profitable" securities and the interest therefrom used to finance educational programs.

Under the terms of Confederation, Ontario was made responsible for administering the "Common School Fund" lands of Ontario and Quebec. But a Board of Arbitrators recommended in 1870 that any money accruing from the sale of Common School Lands should be paid to the Federal Government which in turn would divide it between Ontario and Quebec.

Numerous problems and questions -- mostly of an administrative nature -- arose and resulted in the Act of 1891.[22] This Act provided for a Board of Arbitrators to administer the Fund and settle various questions such as the rate of interest to be paid on the funds. Final settlement was arrived at in 1910 in which the administration of the fund and the distribution of money was adjusted to accommodate both provinces.[23]

It was not until the transfer of Prince Rupert's

[21] Statutes of (Province of) Canada, 4 and 5 Victoria, c. 18, ss. 2-3 (1841-43).

[22] Statutes of Canada, 54-55 Victoria, c. 6, ss. 1-9 (1891).

[23] Attorney-General for the Province of Quebec v. Attorney-General for the Province of Ontario (1910), A. C. 627.

Land to the jurisdiction of the Dominion of Canada in 1870 that the federal government had any jurisdiction over Crown lands or public property. Prior to this time the Provinces of Canada, regarded as colonies prior to Confederation, retained control of public lands. The Imperial Act of 1871 empowered the Parliament of Canada to create new provinces and alter boundaries as it saw fit.[24] For the first time, the federal government owned land.

The first of a series of Dominion Land Acts was "An Act respecting the Public Lands of the Dominion" and dealt with lands in Manitoba and the North-West Territories. The main purpose of the Act of 1872 was to reserve sections eleven and twenty-nine in each township as an endowment for the purposes of education.[25]

The Act of 1872 was followed in 1879 by an Act dealing with the Public Lands of the Dominion in which terms of sale of public lands were outlined and exchange of occupied lands for a corresponding section of unoccupied land was provided for. The administrative nature of this act was reflected, in an 1880 amendment which transferred school lands which encroached on railway property.

[24] See Appendix B, p. 331.

[25] Statutes of Canada, 35 Vict., c. 23, s.22 (1872).

In 1883, an Act to further amend and consolidate the Dominion Land Acts provided for payment by the federal government to the province or territory of the interest arising from the investment of the proceeds from public land sales. The money was allocated to the province or territory for the support of public schools ". . . in such manner as may, by it, be deemed most expedient".

In 1905 Saskatchewan and Alberta were carved out of the North-West Territories.[27] The federal government held and administered Crown lands including lands reserved for the support of schools.[28] However, Crown lands in the category of "swamplands" were transferred to Manitoba in 1906.

By the same 1906 Act, one hundred fifty thousand acres of Crown land were granted to the University of Manitoba as an endowment.

> An allotment of land, not exceeding one hundred and fifty thousand acres, of fair average quality, shall be selected by the Dominion Government and granted as an endowment to the University of Manitoba for its maintenance as a University capable of

[26] Statutes of Canada, 46 Vict., c. 17, s. 20, ss. 4, (1883). This statute, it could be argued, represents direct financial aid to public schools by the federal government with a minimum of control. Land grant legislation appears to approach most nearly the concept of federal aid to public elementary and secondary schools. As will be noted in subsequent Chapters, very little discussion of the principle of this legislation occurred.

[27] See Appendix K, p. 353.

[28] J. C. Miller, National Government and Education in Federated Democracies Dominion of Canada (Philadelphia: The Author, 1940), p. 83.

> giving proper training in the higher branches of education, and to be held in trust for that purpose upon some basis or scheme to be framed by the University and approved by the Dominion Government.[29]

An amended and consolidated Act was passed in 1908. Administrative in nature, this statute provided for the transfer of land, the sale of land and the payment arrangements to the provinces. In 1927 a further Act reserved mineral rights to support schools along with the surface rights.

For many years the three prairie provinces (and particularly Manitoba) had urged their own control of crown lands as had all the other provinces. In 1930, agreements between the provinces and the federal government were ratified in legislation.[30] The areas involved in the transfer of school lands were as follows: Alberta - 3,240,348 acres; Saskatchewan - 3,853,496 acres; Manitoba - 1,493,774 acres.[31] Capital funds, also transferred to the provinces, amounted to the following in 1934: Alberta - $9,564,569.20; Saskatchewan - $17,809,039.00; Manitoba - $5,919,862.65.[32]

[29] Revised Statutes of Canada, c.99, s.4, (1906). This is not the first instance of federal government financial aid to higher education (cf. section of Higher Education). The involvement of the local area (in this case the University) in planning for the financial assistance is significant. Control by the parent government appears to be one of distant approval. The creativity in planning is left to the local area recipient of the federal aid.

[30] Statutes of Canada, 20-21 Geo. V, c. 29 (1930). Section 2 deals with land grants for education.

[31] J. C. Miller, op. cit., p. 91. [32] Ibid., p. 92.

Land grants in aid of education must be considered as the first kind of federal government aid to education. The legislation surrounding this form of financial assistance was mostly administrative in nature, the principle of the aid having been established and accepted long before confederation. Unlike the education of the Indian population, the legislation of which is described in the next section, education land grants were awarded to the provinces for the support of provincially controlled programs.

Indian Education

Prior to 1867 the education of Indians was undertaken almost entirely by missionary workers. But the principle of government cooperation in financing educational programs had also been established.[33] It is not surprising, therefore, to learn that, like the legislation regarding educational land grants, the statutes which determined the policies and procedures of the federal government's role in the education of the Indian were mostly administrative in nature.[34]

As the years passed after Confederation and through a series of statutes the federal government assumed more

[33] Ibid., p. 273.

[34] See Appendix A, p.326, regarding the provisions in Section 91 of the B.N.A. Act concerning the federal government's constitutional responsibility.

and more actual responsibility for Indian education. In 1868 Indian Affairs was placed under the Canadian Secretary of State. A Department of the Interior was created in 1873 and took over the administration of Indian affairs.

By the Indian Act of 1880, the Indian Band could decide on the religious denomination of the teacher provided the denomination was that of the majority of the Band. After 1884, religious minorities could have schools on the Reserves.[35] By an 1894 Act compulsory attendance for children was established along with the concept of the industrial boarding school. In 1906, attendance regulations and the powers of the law enforcement agencies with respect to school attendance were defined. A 1914 Act dealt with boarding schools and made provisions for payment to the Indian for school lands. In 1920, authority was granted to regulate building standards, to arrange transportation facilities, and to inspect schools.[36]

These and subsequent Acts reflect not only an interest on the part of the federal government in the education of Indians but also a firm control of policy regarding the educational program. The 1927 Indian Act consolidated

[35] A few Indians were receiving higher education. The 1876 Indian Act, primarily concerned with enfranchisement of Indians, noted: "Any Indian who may be admitted to the degree of Doctor of Medicine, or to any other degree by any University of Learning, or who may be admitted in any Province . . . to practice Law . . . or who may enter Holy Orders . . ." (Statutes of Canada, 39 Vict., c. 18, s. 86 (1876)).

[36] Statutes of Canada, 10-11 Geo. V, c. 50, s. 1 (1920).

the legislation and further confirmed the Indian Band's authority to choose the religion of the teacher, to establish a school of the minority religious faith and to build and repair school buildings. Compulsory school attendance was required of Indian children between the ages of six and fifteen years.[37]

Compulsory attendance was extended by the Act of 1930. Loans were made available to individual Indians for education, among other things, in 1938. In 1946 provision was made for joint Indian and Government consideration of Indian day and residential schools. In the 1951 Indian Bill there was a major attempt to provide for the integration of Indian children into the provincially operated public school systems. The implications of the 1958 Indian Bill which gave the Indian the right to vote in federal elections hold much for present and future educational programs.

The story told by the federal legislation on Indian affairs suggests a role of control, policy making, and, most important, cooperative endeavour for the federal government. Indian education has never been contested as being outside federal jurisdiction. Rather, the parent government has worked with religious organizations, Indian Bands, and later, the provinces to provide the programs which exist today. Unlike its role in vocational education, the federal government's actions in the education of the Indian has aroused

[37] Revised Statutes of Canada, Vol. II, c. 98, ss. 100-101 (1927).

controversy only on its policy-making; never on its right to make the policies.

Vocational Education

> The basic causes giving rise to the necessity of federal participation in governmental provision for vocational education in Canada were essentially the same as in the United States. For the national government it was a question of contributing to the economic efficiency of the people in relation to home and foreign markets. Competence and efficiency elsewhere have to be met by equivalent or even greater competence at home. The inadequacy of the vocational training provided by either employers and labor on the one hand or local and provincial governments on the other made it necessary for the Dominion government to give stimulation and assistance to the provincial governments in order to encourage the development of more adequate provision for vocational education. Canada wished to attain and maintain higher competence in the producing, fabricating, and processing industries and in the service occupations of a technical nature.[38]

Predicating its participation on a contribution to the economic efficiency of the people and on an apparent inadequacy of the training programs provided by employers and provincial governments, the federal government cautiously began to investigate officially its role in vocational education as early as 1910.[39] Following assurances to the provinces regarding constitutional rights in education and following provincial agreement, a Royal Commission on Industrial and Technical Education was appointed ". . . to

[38] J. C. Miller, op. cit., p. 294.

[39] The Royal Commission on Industrial and Technical Education was appointed on June 1, 1910. Federal government interest in vocational education (as noted in later chapters) long preceded this initial formal investigation.

inquire into the needs and present equipment of the Dominion as respects industrial training and technical education".[40]

The Commission reported, in 1913, a great need at all levels for more industrial and technical training. No action was taken by the government until after World War I.

Meanwhile, influenced by the work of the commissioners and aware of the need for encouragement in agriculture and of the lack of constitutional restrictions which more seriously affected technical education,[41] the federal government passed the Agricultural Aid Act. This 1912 Act introduced the concept of per capita grants for education. The expenditure of the money was to be according to dominion-provincial agreement.[42] The Act was repealed in 1913.

In the same year, the Agricultural Instruction Act was passed appropriating a total of ten million dollars to the provinces over a period of ten years.[43] This Act, which expired in 1923, provided a stimulus for provincial programs in veterinary colleges and strengthened all lines of educational work in agriculture during the period of its existence.

[40] Ibid., p. 296. [41] See Appendix A, p. 326.

[42] Statutes of Canada, 2 Geo. V, c. 3 (1912).

[43] Ibid., 3-4 Geo. V, c. 5 (1913).

One of the many outcomes of World War I was a realization on the part of government at all levels of the need for more competence in technical knowledge and skills among the Canadian populace.[44] Both the federal and the provincial governments realized quickly that special financial aid would have to be provided for vocational education and for an associated extension of the period of education for youth. This realization culminated in the passage of the Technical Education Act of 1919. The Act provided for ten million dollars to be paid to the provinces over a period of ten years to assist technical education. For the purposes of the legislation, technical education was to mean and include:

> . . . any form of vocational, technical or industrial education or instruction, approved by agreement between the Minister (of Labour) and the Government of any province as being necessary or desirable to aid in promoting industry and the mechanical trades, and to increase the earning capacity, efficiency and productive power of those employed therein.[45]

While Dominion-provincial agreements were requisite for the operation of the Act, no national policy was attempted except that of assisting each province with its own particular needs. The delicate matter of provincial autonomy in education and the necessity for some kind of federal control over expenditures presented a serious

[44] See Table I, p. 306.

[45] Statutes of Canada, 9-10 Geo. V, c. 73, s. 2, (1919) as quoted in J. C. Miller, op. cit., p. 313.

problem in the administration of the legislation. The 1925 Report of the Department of Labor contained the following statement:

> Educational development is a provincial responsibility, and, although the national importance of the work justifies and even necessitates federal assistance, great care has been taken to avoid anything which might give the impression of federal interference or control. Experience has shown, however, that it is unwise to pay grants without exercising a certain amount of control over the manner in which the money is expended and limiting the scope and nature of the work for which it may be used. The grants provided under the Technical Education Act were set aside for the purpose of promoting and developing specific types of new educational work, and, unless careful supervision is maintained over the expenditure of this money, it has become evident that, in many cases, it will be used to support work which does not come within the provisions of the Act.
>
> The practice in certain provinces of including all manual training, domestic science, or practical arts work, as a part of the vocational education programme, has had the effect of misleading the public regarding the nature and purpose of vocational education and of making it financially impossible to adequately develop the work which the federal grants are intended to promote. It is recognized that each province has its own peculiar problems and that no fixed regulations can be devised which will be agreeable to all provinces, but the federal director is convinced that the only possible way in which to develop vocational education in Canada is to insist upon certain minimum requirements before paying grants.[46]

In 1929, the Federal Government extended the time for each province to collect its share of the ten million dollars allotted for technical education in 1919. The Technical Education Extension Act provided for a five year period to 1934 in which the provinces, at their own insistence, might acquire their shares of this federal account.

[46] As quoted in J. C. Miller, Ibid., pp. 318-319.

As a further result of provincial pressure for more financial assistance to vocational education, the Vocational Education Act was passed in Ottawa in 1931. This Act, coming as it did during the depression years, was never implemented.

In 1934 the Federal Government again extended the 1919 Technical Education Act to allow the provinces to take advantage of some still unexpended monies. Further extensions were legislated in 1939 and in 1944, principally to allow Manitoba to collect its share of the federal grant.

Other pieces of legislation have affected more recent action in vocational education. In 1937, parliament appropriated one million dollars in a cooperative endeavour with the provinces for a youth training program. This Dominion-Provincial Youth Training Agreement was continued in 1938 in the Unemployment and Agricultural Assistance Act which, in part, provided for the development of training projects for unemployed young people. A similar Act in 1939 extended the provisions on a matching grant basis for three years.

Major legislation was passed in 1942 in the form of the Vocational Training Co-ordination Act.[47] The provisions included an expansion of previous efforts in vocational

[47] Statutes of Canada, 6 Geo. VI, c. 34 (1942-43).

training for men returning from military service. One of the aspects of the Act was the obvious reliance on governmental cooperation at all levels and the close liaison with institutions of higher learning in the training of doctors, dentists, engineers and other essential personnel. Federal assistance for secondary school technical education was provided by the Act as follows: (1) annual unmatched grants of $10,000 to each province; (2) an annual allotment of $2,070,000 to be divided among the provinces on a matching grant basis according to the proportion of the age 15 to 19 population of the province relative to the Canadian population of that age; (3) a similarly distributed grant of $10,304,950 for capital expenditure. An extension of the time limit, which was originally 1948, was granted in that year to 1949 and later to 1952. An amendment to this Act was passed in 1948 in which greater emphasis was put on the relationship of the training programs to the unemployed. A further amendment in 1954 broadened the scope of the 1942 Act and provided for the administration of the Act through a variety of separate agreements.

Late in 1960 the Federal Government passed the Technical and Vocational Training Assistance Act.[48] This Act provided financial assistance for the development and operation of vocational and technical training

[48] Statutes of Canada, 9-10 Eliz. II, c. 6 (1960).

facilities and programs in each of the provinces of Canada.

Federal government participation in agricultural, vocational and technical education came about as the pressures of war, of an expanding economy, of increased unemployment and of a broadening view of education worked on a national scale to influence government practice. Two principles became operative and, indeed, firmly established in this chapter of the story of federal aid to education. Need based on population became a criteria for apportioning money among the provinces. In addition, effort as revealed in the willingness of the provinces to match federal grants has become an accepted method of federal financial participation.

The story of federal aid for vocational education is full of federal-provincial cooperative endeavour and of federal provincial conflict. Nonetheless programs have developed, federal money has stimulated provincial action and federal participation in this form of education, however it is justified, is clearly established.

Higher Education

The story of federal aid to higher education has its beginnings in a variety of programs, methods and purposes. World War I created a need for increased activity in the discovery and utilization of natural resources. This led a multiplicity of bureaux and departments of government to become involved in the administration of funds for research and developmental purposes.

One such body which developed as a result of this need for scientific and industrial research was the National Research Council.[49] Grants-in-aid are awarded by the Council to, among other bodies, science and engineering departments in universities. These assisted research grants are given to staff members to purchase needed equipment and to employ junior helpers. Aid of this kind has assisted particularly in the development of graduate schools in the science and engineering fields. In addition to assisted research grants, scholarships and grants-in-aid of research are awarded annually by the Council.

The money distributed by the National Research Council and used in a university environment is usually awarded to the individual for the advancement of his own work. This kind of "individual"aid for higher education can be found in federal government legislation regarding World War II veterans and their children. The Veterans Rehabilitation Act and Veterans Benefit Act provided financial assistance for education to those returned service men desiring this type of aid. Under the

[49] Ibid., 14-15 George V, c. 64 (1924). The Council was initiated in 1916 when the Canadian government established the Honorary Advisory Council for Scientific and Industrial Research under a Committee of the Privy Council. See Statutes of Canada, 7-8 George V, c. 20 (1917).

Children of War Dead (Education Assistance) Act, financial assistance may be provided for post secondary school training for children of deceased ex-servicemen.

Another kind of federal financial participation in higher education is the system of grants to institutions. Perhaps the first kind of such grants was in the government's operation of military colleges. The Royal Military College in Kingston, Ontario, was established in 1876 for the following purpose:

> 3. There shall be an institution for the purpose of imparting a complete education in all branches of military tactics, fortification, engineering, and general scientific knowledge in subjects connected with, and necessary to a thorough knowledge of the military profession, and for qualifying officers for command, and for staff appointments.[50]

Civilian as well as military careers were opened to graduates of the College and advanced standing at universities was awarded to those wishing to go beyond the four year course. Much of the subsequent federal legislation regarding this type of institution was administrative in nature. Because of its responsibility for the military, the federal government's right to engage in this educational activity was rarely questioned in the debates.[51] A second example of institutional aid was found in the land grant legislation of the federal government.[52] In 1906, one hundred fifty thousand acres of

[50] Revised Statutes of Canada, c. 131, s. 3 (1927).

[51] See Appendix A, p.326. [52] Supra, p. 82.

federal Crown land were set aside as an endowment for the University of Manitoba. The income from this grant was for the maintenance of the university on a continuing basis.[53]

Following World War II institutions of higher learning played a major role in the education of war veterans. To assist in the considerable expense involved in this project, the federal government, through the Department of Veterans' Affairs, provided per veteran capita allowances to the universities in addition to direct monthly grants to veterans in attendance. But as the veteran population decreased (and, as a result, financial assistance decreased) and the civilian enrolment increased, the universities found themselves in an income-expenditure squeeze. As a result, the universities asked for some form of financial assistance from the federal government and requested inclusion in the survey being carried out by the Royal Commission on National Development in the Arts, Letters and Sciences appointed by an Order in Council dated April 8, 1949.[54]

The Massey Commission recommended, as a result of its investigation, the following:

[53] Revised Statutes of Canada, c. 99, s. 4 (1906).

[54] P.C. No. 1786 (April 8, 1949). This Commission operated under the Chairmanship of the Honorable Vincent Massey and is frequently referred to as the Massey Commission.

a. That in addition to the help already being given for research and other purposes the Federal Government make annual contributions to support the work of the universities on the basis of the population of each of the provinces of Canada.
b. That these contributions be made after consultation with the government and the universities of each province, to be distributed to each university proportionately to the student enrolment.
c. That these contributions be sufficient to ensure that the work of the universities of Canada may be carried on in accordance with the needs of the nation.
d. That all members of the National Conference of Canadian Universities be eligible for the federal grants mentioned above.[55]

As a result of these recommendations, agreement on a program of grants for current operating expenses was reached between the Federal Government and the National Conference of Canadian Universities in 1951. The first grants to universities were made during the 1951-52 academic year.[56] The selection of universities within the provinces to receive grants was a responsibility of the provincial government. Payment of grants was, initially, through the Department of Finance to the province on a per capita basis with the institution receiving its share according to its student population. Payments were increased from $.50 per capita in 1951-52 to $1.50 per capita in 1959-60.[57]

[55]Canada. Royal Commission on National Development in the Arts, Letters and Sciences 1949-1951. (Ottawa: Queen's Printer, 1951), p. 355.

[56]Made through annual appropriations acts.

[57]See Table XII, p.323. These grants subsequently increased to $2.00 per student.

Beginning in 1952 the Province of Quebec refused the payments on the grounds that they violated provincial autonomy in education. Partly because of this decision by Quebec the National Conference of Canadian Universities was incorporated on January 18, 1957, in order that it might act as the distributing agent to the universities. Since this date, the Department of Finance has made the money available to the National Conference of Canadian Universities which, in turn, has distributed it on a per capita basis to the eligible institutions.

For the 1960-61 academic year Quebec reached an agreement with the Federal Government whereby grants to universities could be administered by the province. The 1960 Federal-Provincial Tax Sharing Arrangement Act[58] provided an alternative arrangement for university grants with the income of a one per cent corporation tax forming the bulk of the revenue.[59]

A second recommendation of the Massey Commission put into operation by the Federal Government concerned the establishment, in 1957, of the Canada Council for the encouragement of the arts, humanities and social sciences in Canada.[60] Part of the function of this body is to

[58] Statutes of Canada, 8-9 Eliz. II, c. 13 (1960).

[59] See Table XIII, p. 324.

[60] Established by Order in Council dated April 15, 1957, and operates under the Canada Council Act. See Statutes of Canada, 5-6 Eliz. II, c. 3 (1957).

administer the University Capital Grants Fund. This fund, amounting to some fifty million dollars, is being distributed on a fifty per cent matching grant per capita basis for building and capital equipment projects.

In addition, the Canada Council was endowed with another fifty million dollars, part of the income which is being awarded to university students studying in the arts, humanities and social sciences.

Federal financial assistance to higher education has been more subject to controversy than many of the educational finance activities undertaken by the federal government. The movement away from the direct grant to universities toward a tax sharing arrangement is evidence that the controversy has made itself felt.

Of significance, too, is the gradual consolidation of Federal Government activity in the financing of higher education. Even though this trend is more recent in its inception, it would appear that it points toward more consistent and more widely acceptable policies in the future.

Certainly the need for federal action in assisting higher education has been recognized. What is of less certainty, however, is the extent to which this need is to be recognized and the method by which it is to be satisfied.

III. FEDERAL AID: DEPARTMENTAL RESPONSIBILITY

Some of the statutes which have delineated the role of the federal government in education have been noted.[61] These and other activities in the field of education are carried out by various departments of the Canadian Government. Each of these departments is headed by a Minister of the Crown and each is responsible for the operation of the educational functions assigned to it.[62]

Citizenship and Immigration

The Department of Citizenship and Immigration, in keeping with the Department of Citizenship and Immigration Act[63] and through the Canadian Citizenship Branch, assists governmental and non-governmental agencies with plans and programs to promote citizenship and supplies supporting information and materials. Under a director it administers financial aid to provincial governments and grants to voluntary organizations, supplies free textbooks for language classes and conducts research related to the integration of immigrants.

In the same department, the Education Division headed by a superintendent reporting to the Director of the Indian Affairs Branch, is responsible for the

[61] See Appendix G, p. 345.

[62] See Table XI, p. 322, Table XII, p. 323, and Appendix F, p. 338.

[63] Revised Statutes of Canada, c. 67, 1952.

education of Indians. Under the Indian Act[64] the Branch has jurisdiction over government-owned child and adult day, residential and seasonal schools for Indians except those in the Northwest Territories. It also exercises certain controls over church-owned residential schools admitting Indian pupils.

External Affairs

The Department of External Affairs[65] is the official channel of communication on educational and cultural relations between agencies in Canada and foreign governments and between intergovernmental agencies. It cooperates with those wishing to bring foreign cultural and educational displays and exhibits to Canada or to plan similar Canadian showings abroad. The Department also cooperates with the Canada Council in the administration of the Council's Junior Non-Resident Fellowship Program.

Finance

Under grant provisions in annual appropriations Acts, the Deputy Minister of Finance channels government funds to the National Conference of Canadian Universities and Colleges for distribution to universities and colleges as "unrestricted grants".

[64] Revised Statutes of Canada, c. 149, (1952) as amended.

[65] Operates under the Department of External Affairs Act. See Revised Statutes of Canada, c. 68 (1954).

Justice

The Office of the Commissioner of Penitentiaries in the Department of Justice[66] is responsible for providing inmates of federal penitentiaries with facilities for correspondence courses, informal education activities and trade training.

Labour

The Director of the Vocational Training Branch, reporting to the Deputy Minister of Labor, administers the Acts[67] authorizing Federal-Provincial agreements for sharing costs of vocational and technical training. The Branch conducts research projects, issues information bulletins, promotes various types of training and assists in building and capital equipment projects.

National Defence

By authority of the National Defence Act[68] and the Militia, Naval Service and Royal Canadian Air Force Acts of 1944, Canadian service colleges and matters relating to schools for dependents of service personnel come under the Department of National Defence. A commandant is in

[66]Operating under the Penitentiary Act. See Revised Statutes of Canada, c. 206 (1952).

[67]Revised Statutes of Canada, c. 286 (1952) and The Technical and Vocational Training Assistance Act, 9-10 Eliz. II, c. 6 (1960).

[68]Revised Statutes of Canada, c. 184 (1952).

charge of each of the colleges for military and university training of officers for the armed services.[69]

The Director handles federal financing for about 65 schools on bases on Crown lands in the provinces which are not subject to taxation by provincial authorities. Educational matters in these schools come under provincial jurisdiction. The Department has "complete" authority for the establishment and operation of over a dozen Canadian schools in Europe at North Atlantic Treaty Organization (NATO) bases.[70] It also operates regular programs for the training of officers and men including an adult education project under its Bureau of Current Affairs.

Northern Affairs and National Resources

In keeping with responsibilities under the Northwest Territories Act[71] the Minister is responsible for the administration of the Northwest Territories and the Yukon Territory. Its Education Division is under a Chief reporting to the Director of the Northern Administration and Lands Branch. The Division has jurisdiction over federal schools in the Territories and inspects private schools

[69]College Militaire Royale, Royal Military College and Royal Roads.

[70]P.C. 23/893, June 17, 1954.

[71]Revised Statutes of Canada, c. 331 (1952).

receiving federal aid.[72] Education of Eskimos in Northern Quebec as well as in the Territories is a part of its responsibility. By arrangement with the Department of Citizenship and Immigration, it handles education of Indians in the Territories.

The Department is reimbursed by the Territorial Government for administering schools for white children.[73] It also exercises certain controls over the education of Eskimo and Indian children in church-owned schools. The Territories (with less than 35,000 people) have civil servant Superintendents of Schools responsible to the Commissioner heading their executive government. Unlike provincial practice, authority over the school system is completely centralized; there are no local school boards. The Canadian Governor-General in Council has designated education as a subject within the legislative authority of the Commissioner in Council of the Northwest Territories with power ". . . to make ordinances relating thereto. . . ."[74]

Trade and Commerce

This Department's Dominion Bureau of Statistics has an Education Division under a Director reporting to the

[72]There are two organized school districts in The Northwest Territories. Both in Yellowknife, they are the Public School District and Roman Catholic Separate School District, each offering educational programs from Grades I to XII inclusive.

[73]Dominion Bureau of Statistics. Canada Year Book, 1959 (Ottawa: Queen's Printer, 1959), p. 342.

[74]By Instruction 2993, July 18, 1946.

Dominion Statistician. In line with the Statistics Act[75] the Division has authority to require statistical returns from public and private educational institutions in the country. It then compiles, analyzes, and publishes the data. Work is being carried out in five sections concerned with (a) adult education and other cultural activities (such as those of art galleries, libraries, and museums), (b) elementary and secondary public and private education, (c) higher education, (d) vocational education, and (e) research.

Examples of research are analyses of census data relevant to education, an outline of the systems of education in Canada and a related selected bibliography, analysis of pupil progress, and a national survey of university student income and expenditure. The Division has a direct technical channel with UNESCO for supplying statistical and related research data. It prepares similar material for the Department of External Affairs in response to requests from various intergovernmental agencies and from foreign governments.

In keeping with provisions in annual appropriations Acts, the International Economic and Technical Cooperation Division of this Department administers Canadian participation related to the Colombo Plan and Canadian activities in other international economic aid programs.

[75] Revised Statutes of Canada, c. 257 (1952).

The Technical Cooperation Service of the Division arranges for supply of equipment to Asian schools and training institutions under the Capital Assistance Program of the Colombo Plan. It maintains regular contact with universities, technical schools, other institutions, and interested individuals in facilitating (a) recruitment of Canadians for service abroad and (b) training for foreigners in Canada under technical assistance programs. For the same programs, it has direct working level contacts with intergovernmental and foreign governmental agencies such as UNESCO and the United States International Cooperation Administration and with foreign non-governmental organizations such as the Ford Foundation.

Veterans Affairs

This department has a Director General in charge of the Veterans' Welfare Services Branch. Training services administered by the Branch include financial assistance for vocational and university training for World War II veterans, for veterans of the United Nations Collective Action in Korea, and for secondary and higher education for children of deceased veterans.[76] The Branch also administers correspondence courses available

[76]Authority for these programs is provided in: The Veterans Rehabilitation Act (Revised Statutes of Canada, c. 281, 1952), The Veterans Benefit Act (Revised Statutes of Canada, c. 65, 1953-54) and the Children of War Dead (Education Assistance) Act (Revised Statutes of Canada, c, 27, 1952-53).

primarily to armed services personnel and veterans, Federal civil servants, and penitentiary inmates.

In addition to these government departments two federal councils and a number of agencies provide service or support to education.

The Canada Council

The Canada Council, established in March, 1957, has a part-time Chairman with a Director responsible for administration. The Council is responsible for the encouragement of the Arts, Humanities, and Social Sciences. It reports to Parliament through the Minister of Citizenship and Immigration. With half of its funds, it finances a ten-year program of capital building grants to institutions of higher learning. The other funds represent an endowment for purposes under the Act. The same Act authorized establishment of a Canadian National Commission for UNESCO. Consistent with implementing Privy Council Order 831 of June 14, 1957, organization of the Commission was announced on August 20, 1957. The Commission held its inaugural meeting in Ottawa, February 5-6, 1958. It includes representatives from the Canada Council, the Canadian Education Association, the Department of External Affairs, and from various National Associations active in education, science and culture.

The National Research Council

This body, established by the Research Council Act[77] has an Awards and Committee Services Branch in its Division of Administration. This Branch administers the foundation activities in connection with the Council task to assist, promote, and undertake scientific and industrial research.

Foundation activities include fellowship and scholarship programs in dentistry, engineering, medicine, and science, and a program of research grants to individual investigators in universities and other research institutions. The Branch also administers grants-in-aid for research equipment at the university level. The Awards Officer functions under the Council's Vice-President for Administration. The President reports to the Minister of the Crown who serves as Chairman of the Privy Council's Committee on Scientific and Industrial Research.

Other Agencies

Several agencies carry out informal cultural and educational activities under their own Parliamentary enabling Acts. The Canadian Broadcasting Corporation, reporting to Parliament through the Minister of National Revenue, cooperates with Provincial Departments of

[77]Revised Statutes of Canada, c. 239 (1952) as amended.

Education in preparation of radio programs for schools. The Library of Parliament reports through the Speaker of the House of Commons. Several of the agencies report through the Minister of Citizenship and Immigration: the National Film Board (a crown corporation which provides some educational films and filmstrips for schools), the National Gallery, the National Library, and the Public Archives. The Historic Sites and Monuments Board and the National Museum of Canada[78] report through the Minister of Northern Affairs and National Resources.

IV. CONCLUSION

Various principles have governed fiscal policy in Canadian education. Early religious activity in education has left a legacy of religious influence and the problem of church and state relationships in education. Local initiative in and concern for the provision of schools is basic to educational growth and change. Provincial responsibility is constitutionally guaranteed. Equality of opportunity is universally accepted.

The Federal Government has legislated the expenditure of funds in various aspects of Canadian education. Land grants for the support of educational institutions represent the earliest of such legislation. Grants for agricultural, technical and vocational education reflect

[78] Operates under the Department of Resources and Development Act (Revised Statutes of Canada, c. 76, 1952).

a federal-provincial atmosphere of cooperative endeavor and a developing area in education for which increasing financial responsibility is being assumed by Ottawa. Education of the Indian and Eskimo has always been a responsibility of the federal government. Federal-provincial relations have more recently included the problem of federal aid to higher education.

The various statutes which have passed through the Canadian House of Commons and Senate are administered by a multiplicity of federal departments. This multiplicity of action along with an apparent lack of any comprehensive federal policy in education and a growing tendency toward more federal financial assistance to education has produced a controversy as to the legitimacy and procedure of such participation.

CHAPTER V

CONSTITUTIONAL IMPLICATIONS

> It is apparent that the Fathers of Confederation intended that all matters of a general or national importance should be entrusted to the general legislature, and that all matters of merely local significance should be confided to the local legislatures.[1]

I. INTRODUCTION

The purpose of this chapter is to examine that aspect of the parliamentary debate on federal aid to education which related to the constitutional implications of such aid. This aspect of the debate concerns itself with the legal right of the federal government to participate financially in education. Section 93 of the British North America Act[2] is, of course, the focal point of much of the discussion.

A chronological recording of the House of Commons and Senate debates is presented to determine any changes in emphasis of thought from 1867 to 1960, to note the various arguments which appeared during the ninety-three years and to determine consistency in the debate over the period of time under consideration.

Not all of the contributions to the debate on

[1]D. G. Creighton, British North America at Confederation. A Study Prepared for the Royal Commission on Dominion-Provincial Relations (Ottawa: King's Printer, 1939), p. 49.

[2]See Appendix A, p. 326.

the constitutional issue in the federal aid controversy are recorded. Only those statements which, in the opinion of the writer, appeared to be of significance are noted. Nor do aspects of the debate necessarily relate specifically to federal aid statutes. Indeed, many significant statements were made in the reply to the Throne Speech, in considering supply bills and in discussions of statutes other than those applying to education. Nonetheless these expressions of opinion, in whatever context they appear, represented aspects of the controversy at the time.

Definition of the Issue

The discussions of the constitutional implications of federal aid related to the provisions of Section 93 of the British North America Act which delineated provincial responsibility for education. Those opposed to federal aid claimed that by constitution the federal government could not participate in education because it was solely a provincial responsibility. Those in favor of federal aid stated that there was no constitutional restriction on the expenditure of federal money in education. Those opposed associated federal control with federal expenditure. Those in favor reviewed the changing roles of provincial and federal governments in the provision of social services.

A second aspect of this part of the general debate has been the methods by which Section 93 has been circumvented. Justification for federal financial

participation in the education of the Indian and Eskimo, in vocational education and in higher education was found in sections of the British North America Act other than Section 93.[3]

But most important of all is the story of how the pressure of economics, of changing societal needs and of established values meet headlong with a constitutional provision which, in 1867, was a major feature in confederation of the provinces.

II. THE DEBATE

On Friday, February 3, 1865, the Honorable Sir E. P. Taché, Receiver General, Minister of Militia and Premier of the Province of Canada moved in the Legislative Council of the Third Session of the Eighth Provincial Parliament of Canada that:

> . . . an humble Address be presented to Her Majesty, praying that she may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, in one Government with provisions based on the following Resolutions which were adopted at a Conference of Delegates from the said Colonies, held at the city of Quebec, on the 10th of October 1864: . . .
> 2. In the Federation of the British North American Provinces, the system of Government best adapted under existing circumstances to protect the diversified interest of the several provinces and secure efficiency, harmony and permanency in the working of the Union, would be a General Government, charged with matters of common interest to the whole

[3]See Appendix A, p. 326.

Country; and Local Governments . . . charged with the control of local matters in their respective sections. . . .

29. The General Parliament shall have power to make laws for the peace, welfare and good government of the Federated Provinces . . . and especially laws respecting the following subjects:
 1. The Public Debt and Property. . . .
 5. The raising of money by all or any other modes or systems of Taxation. . . .
 13. Militia-Military and Naval Service and Defence. . . .
 29. Indians and Lands reserved for the Indians. . . .
 36. Agriculture.
 37. And generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures. . . .

43. The Local Legislatures shall have power to make laws respecting the following subjects: . . .
 4. Agriculture. . . .
 6. Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools at the time when the Union goes into operation. . . .[4]

The only provincial legislature to approve these "Quebec Resolutions" was that of Canada. The debate which preceded this approval served as a public examination of the resolutions before they were submitted for drafting into an Imperial Act. The debate began on February 3, 1865, and continued until March 11.

The discussion in the Legislative Council and Legislative Assembly[5] covered many of the problems which

[4]Confederation Debates (Quebec: Hunter, Rose and Company, Parliamentary Printers, 1865), pp. 2-6.

[5]The Address to the Queen was moved in the Legislative Assembly by John A. Macdonald.

the emerging Canadian nation was facing. Defence against aggression by the United States, the relative strength of the federal and provincial governments, the economic development of the country and the advantages of bringing together French and English under one government were all matters for serious debate.

The problems surrounding education loomed large as well. In the Legislative Assembly, Macdonald answered a protest to Confederation based on minority rights in education.

> . . . There was a good deal of apprehension in Lower Canada on the part of the minority there as to the possible effects of Confederation on their rights on the subject of education, and it was the intention of the Government, if Parliament approved the scheme of Confederation, to lay before the House this session, certain amendments to the school law, to operate as a sort of guarantee against any infringements by the majority on the rights of the minority in this matter.[6]

Galt supported his colleague on this question of separate schools and went on to discuss the financial arrangements and fiscal prospects of Confederation.[7] In a discussion of federal-provincial roles in fiscal policy and practice, he made the following comment, important for its apparent relevancy to later debate on federal aid to education:

[6]Confederation Debates, p. 18.

[7]Honorable A. T. Galt was, at the time, Minister of Finance in the Conservative Administration.

> . . . If, nevertheless, the local revenues become inadequate, it will be necessary for the local governments to have resort to direct taxation; and I do not hesitate to say that one of the wisest provisions in the proposed Constitution, and that which affords the surest guarantee that the people will take a healthy interest in their own affairs and see that no extravagance is committed by those placed in power over them is to be found in the fact that those who are called upon to administer public affairs will feel, when they resort to direct taxation, that a solemn responsibility rests upon them, and that responsibility will be exacted by the people in the most peremptory manner.
> . . . Indeed, I do not hesitate to say, that if the public men of these provinces were sufficiently educated to understand their own interests in the true light of the principles of political economy, it would be found better now to substitute direct taxation for some of the indirect modes by which taxation has been imposed upon the industry of the people.[8]

Like discussions were taking place in the Legislative Council. On February 8, 1865, the Honorable George Brown[9] rose in the Council Chamber to present his views and those of the Reform Party. He noted the importance of the planned federal subsidies to the provinces and the proposed composition of the Federal Legislature. He spoke of confederation as a way of providing for sectional interests by allowihg these interests to be within the power of the provincial legislatures. Such interests included education, the applying of public money to local purposes, the allotment of

[8] Ibid., p. 68.

[9] George Brown was a member of the Charlottetown Union Conference in 1864 and of the conference at Quebec. A Liberal from Ontario, elected to the House of Commons in 1867. For many years, he was leader of the Reform Party of Upper Canada.

public lands to local purposes, the building of local roads and the chartering of ecclesiastical institutions. Referring more specifically to education, Brown suggested:

> "The real cause of alarm was that the admission of the sectarian principle was there, and that at any moment it might be extended to such a degree as to split up our school system altogether."[10]

While he was opposed to the principle of a sectarian school system, Brown, in his support of the scheme of union, accepted separate schools as a necessary condition of this union. He saw federation as bringing to an end the sectional discord. "The questions," he continued, "that used to excite the most hostile feelings among us have been taken away from the general legislature, and placed under control of the local bodies."[11]

The debate continued toward a motion of amendment which indicated two of the major areas of contention on the subject of Confederation. On Tuesday, February 14, the Honorable Mr. Letellier De St. Just rose in the Legislative Council to move:

> That all the words after "That" in the first line thereof be left out, and that the following words be inserted in lieu thereof, viz:- "The debate on the motion for an Address to Her Majesty on the subject of a union of the British North American Colonies be postponed until such time as the Government shall have made known to this House: 1st. The measure it intends to submit to the Legislature for

[10] Confederation Debates, p. 95.

[11] Ibid., p. 96.

> the purpose of organizing the local governments and legislatures in Upper and Lower Canada. 2nd. The bill on the subject of education which it intends to submit to the present Parliament for the protection of minorities in Upper and Lower Canada. . . ."[12]

The defeat of this amendment,[13] which was in part a request to hold an election on the issue, was due partly to the conviction of the majority of the members that there was generally an acceptance of confederation among the people. But the interesting feature of this motion is that education was one of the first two issues on which opposition to Confederation was based.

The other issue, that of a division of legislative powers between the federal and provincial governments, occupied much of the attention of the legislature. One member of the Legislative Council put forth a point of view from Western Canada:[14]

> The prevailing desire in my section of Western Canada is, that the Local Legislature shall only be one Chamber of 30 members with a very limited inexpensive Executive . . . which would involve a small expenditure, and if such views are carried out, there are no reasonable grounds for apprehending the necessity for direct taxation.[15]

It was inevitable, of course, that each of the sectional interests favoured a different kind of relationship among the legislatures. While federation

[12] Ibid., p. 189. [13] 20 for; 38 against.

[14] George Alexander was a Conservative from Lower Canada. Called to Senate 1873.

[15] Confederation Debates, p. 207.

was seen generally as the solution to difficulties arising from sectionalism, there appeared to be conflict on the procedure of creating the governing bodies. Among the many comments made on this aspect of the confederation debate was the following:

> I take it for granted that British subjects of French Canadian origin generally . . . desire large power for the local government -- in fact they would desire the local governments to be the real governments, and that the Federation should be very much nominal, for very minor purposes, and with very weak powers in the Central Government; while, on the other hand, the English population of Lower Canada would take the opposite view, and desire larger powers in the central government and smaller powers in the Local Government.[16]

Summary

While minority rights[17] appeared to be the major concern of those discussing the implications of federation for education, other problems confronting parliament were to have a bearing subsequently on the question of federal aid to education. The relative strength of the federal and provincial governments, the taxation powers of each government and the delineation of local tasks in the powers of the central and local governing

[16] Ibid., p. 224.

[17] The minority rights issue applied to both English and French, Protestant and Catholic Minority groups. It does not appear that any one minority group received greater emphasis in the discussions of sectional and minority interests.

bodies were all matters of extreme importance in the 1865 discussions.

The final outcome of these discussions was the passage of the British North America Act by the British Parliament in the spring of 1867. Section 93 of this Act dealt specifically with education. It is this constitutional provision which prompted the discussions recorded in this Chapter.

1867 to 1896

Provincial responsibility in education had been established in Section 93. Ryerson reported on June 30, 1867, that school attendance was up, receipts and expenditures had increased and the school year had been lengthened. He went on:

> . . . but I may here remark that the general conclusion at which I have arrived is, that little is required in the way of legislation to improve our public school system, the foundations and general principles of which ought to be maintained inviolate; while increased power, in some respects, may be advantageously given to municipalities, the constitution of County Boards of Public Instruction may be simplified and improved; and provision should be made for the education of the Deaf and Dumb and Blind, as also some provision to secure the education of vagrant and neglected children.[18]

The school systems were expanding, more people were being educated, educational services were being broadened and education was financed by local and

[18]Ryerson's report was laid before the House on December 7, 1867, as Sessional Papers, Volume I, No. 9.

provincial governments. Others matters were occupying the attention of the Dominion Parliament and the constitutional provisions regarding education.[19]

During the late 1860's and early 1870's the admission of British Columbia and Manitoba to Confederation was of major importance in the debates. The principle of Section 93 held in the assignment of education to provincial responsibility. The proposed disallowance of separate schools in New Brunswick tested subsections 3 and 4 of Section 93 of the British North America Act[20] during this time but the principle of provincial control continued unmolested. Macdonald, in the 1872 debate of separate schools in New Brunswick, noted in part that he had consistently been a friend to minority rights in education. He continued:

> It was known to everyone that the question of education had threatened Confederation at its very conception, and a proposition that Education should be left to the General Legislature of the Dominion would have been enough to secure the repudiation of Confederation by the people of Lower Canada, and it was therefore expressly provided in the Act of Union that the question should be entirely left to the different Provinces with the provision that wherever there was a separate system in force that system should not be interfered with . . .[21]

The Conservative Administration of the first and

[19]Chapter VI notes the upheaval which the New Brunswick school question created in the debates of 1872.

[20]See Appendix A, p. 326.

[21]Canada. Parliamentary Debates (Ottawa: Ottawa Times Printing and Publishing Company, 1872), p. 199.

second Parliaments[22] maintained the constitutional stand regarding education. There is no evidence, even remotely suggested, that the federal government should have assisted the provinces in their financial responsibilities regarding education.

But the Federal Government meanwhile was participating financially in education. Indian schools and Military Colleges were under central government control. In addition, land grants for education (the principle for these had been long established)[23] were being administered in some parts of Canada by Ottawa. Discussions through the Liberal Third Parliament on these aspects of education centered mostly on administrative detail. Such problems as the extent of military drill for public school pupils received some attention in the debates as did supply estimates regarding the education of Indians.

1875. Speaking on military education for juveniles, one member of Parliament who favored federal participation interjected the first suggestion that the central and provincial governments might work together in public education:

> It is true, some difficulties may present themselves, inasmuch as school matters are

[22]From July 1, 1867 to November 5, 1873. See Appendix H, p. 347.

[23]Supra, pp. 79-84.

> under the control of the Provinces, but the Government looking to the great future of this Dominion can surely make some satisfactory arrangements for accomplishing an object of so much importance to the growth and stability of the country.[24]

Suggestions such as this one appeared to be rare at this stage of the development of a still young Canada.

Through the late 1870's and early 1880's, debate on the constitutional aspects of the federal government's role in education centered entirely on administrative detail. No question was raised as to the 'right' of Parliament to legislate regarding Indian education, military colleges, aid to institutions offering military instruction or land grants. And what responsibilities it had in education were exercised carefully. The Prime Minister, speaking in an 1883 debate on a bill to amend the Dominion Lands Act, referred to provincial takeover of school lands:

> Representations have come from the Province of Manitoba, and very naturally from the Government of that Province, that the school lands of Manitoba should be handed over to them for their management. Hitherto the Government have not seen their way to go so far. That Province is large and its population small; and the temptation to deal with that magnificent grant for present purposes to meet present exigencies is very great; and the Government think -- and I may here mention that the course of the Government met with apparent approval during the last Parliament -- they ought not to denude themselves of this sacred trust, handed over to them as trustee for this great fund for the education

[24] Canada. House of Commons Debates A. M. Burgess (ed.). (Ottawa: C. W. Mitchell, "Free Press" Office, Elgin Street, 1875), p. 149.

> of the people in the illimitable future; . . . The fund being intact, the fund continually growing, and the interest annually being handed over to the Province for the purposes of education, I think that it is in the interest of Manitoba itself, I think that it is in the interest of the great North-West, that this magnificent provision for education should be rigidly preserved. . . .[25]

While this section of the Bill was left over 'until next session', it appeared that in 1883, the federal government was not ready to delegate its responsibilities in education to the provinces. The following year was taken up with such administrative problems as a policy of dealing with 'Squatters' settling on school lands and with the allocation of funds for Indian education.

1885. The Manitoba Claims Settlement Bill of 1885[26] in which swamp lands were to be given to the province along with 150,000 acres for a trust fund for the University of Manitoba renewed the constitutional issue in the relationship of federal and provincial jurisdiction in education. Honorable A. W. Ross, a Liberal member from Manitoba, was happy that his province was to receive the land stipulated by the Bill under discussion but he asked an important question regarding

[25] Canada. House of Commons Debates, The House of Commons. (Ottawa: MacLean and Rogers Printers, 1883), p. 862.

[26] Statutes of Canada, 48-49 Vic., C50, (1885).

Federal administration of school lands. He noted that certain 'constitutional liberties' were given to the provinces but certain others were withheld by the federal government. "I rejoice," he said, "that we have separated a very large portion of that country (Manitoba) for the purpose of giving a grand endowment for a free education to the masses of the people; . . ."[27] But he wondered why the lands should be administered by the federal government. Was it because the people of Manitoba could not be trusted? Would mismanagement be greater than from Ottawa? He continued on the subject of the university grant:

> But I say the scheme and terms upon which that endowment should be managed ought to be settled between the Local Government and Legislature of Manitoba and the University of Manitoba. The question of education is a local question with which we have nothing to do.[28]

In reply to the Ross hint of too much federal control it was pointed out that the Manitoba Legislature had, in fact, fully approved of the plan which the proposal contained; there was full exercise of provincial rights.

The debates in succeeding years centered again on the administrative details involved in the operation of Indian schools, military colleges and land grant funds.

[27]Canada. House of Commons Debates, The House of Commons. (Ottawa: MacLean and Rogers Printers, 1885), p. 2779.

[28]Ibid.

The 1886 session discussed Riel[29] and the federal government treatment of the Indian. Education of the latter was being administered by the central authorities through day and residential schools and through industrial schools wherein the Indian might learn a trade. The federal government was participating in education but remained within its constitutional limitations.

One example of this awareness of Section 93 occurred in 1888 when Abbott[30] introduced the Royal Victoria College Incorporation Bill. This proposal sought to incorporate this institution, to be situated in Montreal, with affiliated branches in British Columbia and the North West Territories. The Bill was withdrawn on May 11 in the face of such arguments as that of Power[31]. "I have some doubt as to whether this Parliament has the right, even under these circumstances, to legislate on a matter of education," he said, ". . . British Columbia has the right to deal with matters of education. . . ." He pointed out further that the central government should go to the provinces and the

[29]On May 15 of the 1885 session of Parliament, the House was informed of the capture of Riel by General Middleton at Clark's Crossing.

[30]Sir J. J. Abbott, who succeeded Macdonald as Prime Minister in 1891 following the latter's death on June 6 of that year.

[31]L. G. Power was a Reformer and lawyer from Nova Scotia. Called to the Senate in 1877.

Territory for the passage of such a bill as this one.[32]

Similarly, the passage in 1889 of the Queen's College (Kingston) Act Amendment Bill[33] stimulated some argument on the constitutional aspects of the federal government relationship to education. Mills[34] saw the bill relating to superior education and, therefore, having to do with an institution under provincial jurisdiction. He continued:

> I do not think this House has anything to do with the subject of Education, except as specifically provided by the British North America Act. When the provincial legislatures encroach upon certain denominational rights by their legislation, then the parties have the right to come here and ask the protection of this House against such encroachment.[35]

Kirkpatrick[36], sponsor of the bill, contended in reply that the influence of Queen's College extended over the whole Dominion. This fact was recognized when the original Act was passed in 1882. The bill under

[32]Canada. Senate Debates (Ottawa: Holland Brothers, 1888), p. 383.

[33]The Queen's College (Kingston) Act, 45 Vict., c. 123 (1882) established that institution in Kingston. This amendment, which was passed as 52 Vic., c. 123, (1889), gave the right to the institution to prescribe certain religious tests to trustees. The 1882 Act went through the House 'sub silento', that is, it was discussed in committee and not in the House under parliamentary rules.

[34]D. Mills was a lawyer and advanced Liberal from Ontario and Minister of the Interior from 1876 to 1887.

[35]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1889), p. 300.

[36]Lt. Col. G. A. Kirkpatrick was a lawyer and Liberal-Conservative from Ontario and speaker of the House of Commons from 1883 to 1886.

discussion related only to the affairs of the corporation, not to education.

Mills objected, however, even to the 'corporation' argument. He noted a Privy Council decision that a provincial legislature may legislate relative to a corporation if that legislation does not affect the corporation in another province. Because Queen's College is in Ontario only, it is a matter, he contended, for that province alone.

Thompson[37] fielded this objection by noting that the province has such power over education that it could prevent Queen's College from operating. He went on to state a point which is indicative of the kind of argument presented in the debates on this constitutional issue during the decade following 1950:

> . . . but it does not by any means follow that because the Provincial Legislature has control over education, or control over civil rights, or control over contracts, this Parliament may not have power to create a body for the purpose of carrying on education in more than one of the Provinces, as it may in relation to insurance, as has been decided, which is no more a matter within our control than is the subject of education.[38]

[37]Sir J. S. D. Thompson was a Liberal-Conservative from Nova Scotia and appointed Minister of Justice and Attorney-General of Canada in 1885.

[38]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1889), p. 606.

1890. The Conservatives were to remain in office to the end of the Seventh Parliament.[39] But the years from 1890 to 1896 were troubled ones, especially in education. Costs were rising for Indian schools and military colleges, highly qualified teachers were not anxious to teach in government schools and graduates of the military colleges were still not satisfying some critics of the program as to choice of occupation upon receiving an education.[40]

The greatest problem, however, concerned the discontinuance of recognition by the Manitoba Government of separate schools not in existence by law at the time of Union.[41] The problem, along with considerable controversy, was finally taken to the Canadian Parliament for a decision.

The final decision was long coming and contributed to what was almost a disintegration of the Conservative government. One of the main issues in the Manitoba School Question debate was that of the power which the federal government had in disallowing provincial legis-

[39]Which dissolved April 24, 1896.

[40]This had been a continuing problem. Some graduates each year would leave Canada or enter jobs other than those of a military or civil service nature.

[41]The Manitoba School Question is not related to the topic of this study except that the atmosphere created around this controversy was bound to affect the opinions expressed on all matters educational. See Infra., Chapter VI.

lation in education. This particular aspect of the controversy related to the constitutional issue in federal aid because it illustrated the near impossibility of federal legislative action relating to Section 93 of the British North America Act.

Speaking in Committee of Supply on April 29, 1890, Blake[42] defined 'constitution' and referred to federal-provincial constitutional relations in education. He was particularly concerned that the Executive of Parliament be allowed to refer 'important questions of law or fact' to a high judicial tribunal for consideration and that 'a reasoned opinion may be obtained for the information of the Executive'.[43] Blake went on to expand on his motion:[44]

> . . . the federal constitution of Canada specially demands our attention to the legality of its legislative Act. . . .
>
> Our several constitutions are partly unwritten and undefined; they are also largely, perhaps, I may say, mainly, written and defined. And so it has happened that we have fallen into the use of the word constitutional in two very different senses: one, the only sense in which it is used in the mother country, whose constitution being the growth of customs, precedents, practices and principles, and not being a written instrument, unalterable by the Parliament; Parliament being itself supreme --

[42]Edward Blake was an Anglican Rector and Independent - Liberal. He was elected leader of Opposition in 1880.

[43]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1890), p. 4084.

[44]Which was subsequently passed by Parliament.

> whose constitution, I say, is a thing elastic, plastic, changing, of the spirit, not of the letter; and so, when we speak, in the English sense of an Act being constitutional or unconstitutional, we refer to its spirit, we refer to the question whether it is in accord with, or in violation of, the spirit of the constitution . . . we use it also to express an Act in excess of our legal powers. In the first class of cases, however obnoxious may be the Act we condemn, it is nevertheless indisputably valid; in the second class of cases, however useful we may consider the Act we are discussing, it is null and void. The first class of cases depends on political considerations entirely outside the judicial domain, . . . the second class depends upon legal considerations fitted for the judicial domain, . . . no legislature or Executive can, any more than any private individual, act at all without considering, and in a sense deciding for itself, the legality of its acts, and so in some sort, entering upon the judicial department. But not upon the domain of the judicial power; because our opinion that our acts are valid does not make them so; their validity depends upon the decision of the judicial authority, and upon that alone.[45]

Blake's statement illustrates not only the interest which Parliament had in the power of disallowance but also an awareness which members of Parliament had about their constitutional position in education. The call for involvement of the judiciary represented an understanding of the need for a more complete picture of all sides of a controversy before the Executive came to a decision. The suggestion that, in part, the constitution is an evolving, elastic entity, while not a new idea, represented an increasing awareness on the part of Parliament of the necessity to relate to changing

[45]Canada. Op. Cit., pp. 4084-4085.

societal conditions and increasing popular pressures.

Reflecting in part the increasing pressure which the Manitoba School Question was creating, more controversy arose during 1894 when disagreements arose over the allocation of land to the University of Manitoba. The federal government felt that any money from sale of the lands should be referred to it for distribution. But the Manitoba Government and the University of Manitoba disagreed. Martin[46] was the spokesman:

> It is not for the Dominion Government to interfere in any way, shape, or manner with the action of the Provincial Legislature on this subject. In the settlement that was made in 1885 it was not at all intended to hand over to the Dominion government the jurisdiction which of right the Provincial Legislature would have over the university created by itself. . . . The people of Manitoba will not allow the Dominion Government . . . to assume any jurisdiction in settling a question of this kind. It is surely a matter of provincial control.[47]

Laurier answered the criticism by noting that despite the disagreements within the province, the central government had to come to some decision on the matter. The government was charged with administering the laws of the country and could not allow procrastination on the matter to continue.

Later in the same session a constitutional

[46]Alexander Martin was a Conservative and former school teacher from Prince Edward Island.

[47]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1894), p. 3465.

Question arose over the very familiar problem of the military colleges and the kind of education offered. Speaking in a supply debate allocating funds for the Royal Military Colleges, Mulock[48] stressed the original intent of these colleges. He noted that the institutions were imparting an education not only of a military nature but also of a general nature. He suggested that the main object of the original 1874 statue seemed to be lost in 1894. The main object had become one of providing a general education equipping persons for various 'walks in life' other than military. This brought about unnecessary increases in public expenditure. He went on to admonish the House:

> . . . I need not for one moment press upon this House the impropriety of the Dominion of Canada embarking in the cause of general education. It is contrary to the Imperial Act of Confederation itself, which never contemplated such education as is here held out to be one of the functions of this college. Education of this kind, education according to the perverted use being made of the college, is within the exclusive jurisdiction of the various provinces. The people of the different provinces have established their school system and the college system, and for the Dominion Parliament to duplicate that system is a pure waste of public money.[49]

The Conservative reply centered on the purposes of the Colleges. No mention was made of the consti-

[48]William Mulock was a Liberal from Ontario and a lawyer first elected in 1882. Appointed Postmaster General in 1896.

[49]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1894), p. 5100.

tutional issue which Mulock had raised and which he again raised with like results in the 1896 Session.

The first thirty years of this aspect of the debate on federal financial participation in education occurred mostly in Committees on Supply and in debate of various bills which altered administrative details in the areas of education with which the federal government was dealing. Only on events representing a change from the original programs were questions raised. The constitutional issue was raised when a land grant trust fund was established for the University of Manitoba and when it became increasingly apparent that the curriculum of the military college was preparing graduates for more than a military career. Attitudes of the Confederation era were still too common for any real questioning to develop.

1896 to 1945

The Liberal government of Sir Wilfred Laurier opened the first session of the Eighth Parliament on August 19, 1896. Confronted with the Manitoba School Question and with increasing provincial pressure for more money[50] from federal sources, the government appeared to avoid any constitutional problems in its relationship with education.

[50] See Infra., Chapter VIII.

Discussions dealing mostly with administrative matters continued on the subjects of land grants, Indian education and the Royal Military College. The concept under the leadership of Laurier, of federal-provincial cooperation was being conceived. And suggestions arose as to the feasibility of meeting the technical and vocational education needs of the country.

It was not long until the constitutional position of the government relative to technical education arose. Guthrie,[51] in moving the appointment of a commission of inquiry to investigate the needs of Canada in the respect to technical education, opened the debate. In his statement on the constitutional aspects, two new notes were sounded: education was broadened in definition and technical education was related to federal constitutional responsibilities. Part of what he said on the subject is as follows:

> . . . Section 91 of the same Act provides that in matters of trade and commerce this parliament will have jurisdiction. Should the objection be raised that parliament cannot entertain this question on the ground that Section 93 places it within the exclusive jurisdiction of the legislatures of the provinces I might say that the first answer to such an objection would be that the term "education" as used in the 93rd section of the British North America Act must be construed in a popular sense and it does not mean industrial training or instruction. It may

[51]Hugh Guthrie was a Liberal from Ontario and elected chairman of the Railway Commission in the House of Commons in 1907. He was a lawyer and Presbyterian.

> be said that all instruction is education. The master instructs the apprentice in the workshop and the journeyman instructs his helper at the forge. That instruction is educational in a sense, but no one would argue that that is the kind of education that is intended to be meant by section 93 of the British North America Act.[52]

He defined education as scholastic or academic training leading the individual to a degree of culture and refinement. Technical education, however, was defined as related more to a monetary return rather than a return in culture. Guthrie continued:

> . . . As a second answer to any objection which might be raised to the constitutional right of this parliament to deal with this motion I think one can safely argue that the whole question of industrial training is so intimately associated with the general trade and commerce of this country, subjects over which this parliament has authority, that it will have such a direct influence upon both the quantity and quality of our manufactured product, that it will bear so directly upon our national resources as regards their development, manufacture and transport, and it is so intimately connected with the general trade and commercial progress of the country that we may fairly say that it comes within the authority and jurisdiction of this parliament.[53]

There was little opposition to these arguments. Members spoke favorably of the idea and supported Guthrie to the extent of suggesting methods by which the government might conduct the program. Part of this approval seemed to result from Guthrie's statement but part must be attributed to the fact that the provinces had been approached and had approved of such a move by the

[52]Canada. House of Commons Debates (Ottawa: King's Printer, 1908), p. 2859.

[53]Ibid., p. 2860.

federal government.

Three new facets of the constitutional issue emerged as a result of the discussions on technical education. The first was that education is subject to varying definitions and that, once accepted, a particular definition may be used to support and define new programs in education.

Secondly, a precedent had been set for the first time since Confederation in relating educational programs to other responsibilities of government. In this case technical education was related to the economic well-being of the country and more specifically to Section 91, subsection 2 of the British North America Act.[54]

Thirdly, the pressures of continuing national development and changing needs appeared to advance the cause of federal action in education. This along with the involvement of the provinces in initial discussions eased the introduction of federal aid to this new kind of education.

The World War of 1914-1918 and events following in the 1920's occupied Parliament in areas other than education. Questions relative to the administration of Indian education, military colleges, land grants, and technical education were asked and answered in the House

[54]See Appendix A, p. 326.

without debate. Administratively oriented bills in the various educational aspects of government operation were passed with little discussion relevant to the constitutional issue.

1931. The constitutional implications of Federal aid debate had not been forgotten, however. On May 11, 1931, MacPhail[55] moved in the House of Commons that chairs and scholarships be established in Canadian Universities to promote international understanding and good will. This motion, which followed a long discussion of federal subsidies for cadet training in schools, had been introduced in 1930 and, as a result, a committee had been studying the proposal. Part of the debate concerned the constitutional question.

Recognizing provincial jurisdiction over education, MacPhail suggested that this be overcome by encouraging the provinces to request such aid in order to establish the proposed plan. Federal-provincial cooperation seemed desirable. She went on to support grants to provinces for university work:

> So we have all these authorities saying that if the government really wanted to give

[55]Miss A. C. MacPhail was a Member of United Farmers of Ontario and first woman to be elected to the House of Commons. She was a member of the Church of Jesus Christ of Latter Day Saints. She held a second class professional teacher's certificate.

> a grant to the universities of the province, a way to do it could be found. I agree with that because I have noticed in this House that when the Government really wants to make a grant, there are always ways to get around any difficulty. The cadet grant which goes to the provinces is certainly one instance, and another is the grants for technical education. Then, too, the federal government has charge of peace and war. It is their business to prepare the country so that if we go into a war we shall win. . . . So . . . the Dominion government . . . should also be looked to to secure security through other methods, one of them being education.[56]

Guthrie, Minister of Justice, saw the motion as more academic than practical but agreed that it was aimed at a most important objective. He recalled that in the debate of the previous year education was emphatically declared to be an exclusive provincial responsibility. He supported this stand declaring that this motion contravened the letter and the spirit of Section 93. While opposed to the idea of grants to universities, he continued:

> I do not say for one minute that the constitutional difficulty is insurmountable. I recall many instances during the past fifteen or twenty years in this parliament when we have been able to overcome apparent constitutional difficulties by the manner in which parliament concluded to take action. . . .[57]

He cited, as example, federal grants to aid the provinces in their responsibility for highway

[56]Canada. House of Commons Debates (Ottawa: King's Printer, 1931), p. 1454.

[57]Ibid. p. 1456.

construction. He continued by outlining the method of distributing this financial contribution:

> . . . We did it by direct grant to the provinces in fair and equitable proportions, and we appointed the provinces the agency for the expenditure and control of that money within certain limitations and conditions which we attached to our grant. . . . Twenty-five years ago in this house it was urged in some quarters that parliament had no right to spend money upon technical education . . . parliament did take action, and in spite of section 93 of the British North America Act we made grants to the provinces. . . . We attached certain conditions and limitations to our grants, but we made the provincial authorities the spending authorities and allowed them control of the fund. . . .[58]

This last suggestion regarding 'conditions' and 'control' was taken up later in the session in the Senate. Speaking in debate on a Technical Education Bill, Belcourt[59] raised a question on the administration of the proposed fund:

> To what extent will the Dominion Government take part in the administration, the payment and the use of those moneys in the different provinces? . . . I want to be satisfied that this Bill does not contemplate any interference by the Federal Government in the educational system of any province. We all know, because we have had many evidences of it, how jealous the provinces are on this subject, and how they have resented every attempt on the part of the Federal Government to interfere in any way with the conduct of education. . . . A reading of it has somewhat impressed me with the possibility that this is the entering of the thin edge of the wedge. There is nothing in

[58] Ibid.

[59] N. A. Belcourt was a lawyer from Ontario and a Liberal. He was Roman Catholic and speaker of the House of Commons, 1904-1906. He was summoned to the Senate in 1907. For many years he was owner and editor of Le Temps, an Ottawa daily newspaper.

> the Bill to show the extent to which this Government may claim the right to interfere in the carrying on of vocational work according to the policies of the several provincial educational systems, . . .[60]

The answer to this question centered on the fact that provincial governments had requested such assistance and that this co-operative endeavour would eliminate the kind of problem suggested. Nowhere in the debate was the question on the extent of federal delineation of program fully answered except that mention was made that agreement on terms, conditions and purposes of the grants would be reached before the program of grants was implemented.

Dandurand[61] added a final word to the constitutional elements of the debate on the Technical Education Bill. He lauded the per capita grant scheme of the Bill noting that this method of granting money to the provinces went back to Confederation. He asked whether the House felt that the government could afford such expenditures at that time.[62] The question went unanswered in debate.

As the amount and kind of grants to provinces increased, more attention was focused on government

[60]Canada. Senate Debates (Ottawa: King's Printer, 1931), p. 484.

[61]R. Dandurand was a Liberal from Manitoba; summoned to the Senate in 1898.

[62]Canada. Senate Debates (Ottawa: King's Printer, 1931), p. 486

control of the money outlay. This gradual focusing of attention on principles rather than on procedure represented a divergence from the administrative expediency which seemed to occupy the House in discussion of educational expenditures since Confederation. This aspect of the constitutional issue concerned itself with the control and regulation of expenditure of grants by the federal government - a topic closely associated with a distrust by many of federal activity in education.

Mackenzie King,[63] speaking to a Bill on unemployment quoted from A. J. V. Durell, The Principles and Practices of the System of Control Over Parliamentary Grants to illustrate the need for control of grants coming from the public treasury. Durell wrote:

> 'The supreme control of the commons over public grants, . . . necessarily demands the complete right of control over the manner in which those grants are spent. This second right must be inseparable from the first if the control over the grants is to be effective, . . .
>
> In its constitutional aspect then, the English system of finance and the rules of financial administration are based upon the principle of supreme control by the House of Commons, and the machinery, by which it works, has been built up, developed, extended or modified to meet the requirements of that principle.'[64]

[63] A Liberal and Prime Minister from 1921 to 1930 (with the exception of three months in 1926), King eventually represented Prince Albert, Saskatchewan. He was Leader of the opposition during the 1930-1935 Conservative Administration, and subsequently Prime Minister until 1948.

[64] As quoted by MacKenzie King. Canada. House of Commons Debates (Ottawa: King's Printer, 1932), p. 1619.

The gradual delineation of principles of government administration of funds for education and the increasing awareness of the importance of federal-provincial agreements characterized the debate on the constitutional issue through the depression years of the 1930's to the end of World War II in 1945.

During these years Parliament continued to legislate in various facets of education. A frontier college was established in 1932. Grants for cadet services were gradually reduced. An Indian Act Amendment Bill passed in the 1932-1933 session provided for the Royal Canadian Mounted Police to act as truancy officers for day schools on the Indian reserves. The 1919 Technical Education Act was extended in 1934 to 1939 so that unused portions of the fund might be used.[65]

The Speech from the Throne in 1938 emphasized increased awareness of government responsibility in assisting the provinces in education and in the initiation of federal programs in education. It was announced that a Royal Commission of Inquiry into Dominion-Provincial relations had been appointed to examine the economic and financial basis of Confederation and the distribution of legislative powers in the light of new conditions which had arisen in the past seventy years. An Unemployment

[65]The 1931 Technical Education Act was never put into force.

and Agricultural Assistance Bill was passed to aid the training and establishing in gainful occupations unemployed persons capable of being so trained.[66] Need was the keynote in discussions of these bills and little or no discussion of the legality of such federal action took place.

The Second World War began in 1939 and brought with it a closer surface solidarity between the federal government and the provinces. Dominion-Provincial conferences took place and taxation agreements were initiated. The Vocational Training Co-ordination Bill was proposed in the 1942-1943 session to extend the Youth Training Act of 1939 and to include retired service men. The Veteran's Rehabilitation Bill was passed in 1945 to place in the statute books the special allowances for the training of veterans which had been in force since 1940 by Order in Council. These bills were passed without question of the constitutional right of the federal government to do so.

During the fifty years following 1896, the federal government expanded its services in education. New educational programs were initiated in technical and vocational fields. During these years the constitutional arguments opposing federal aid to education were submerged by pressures of economic need and of changing

[66]The terms of the Bill were essentially the same as the 1937 Agricultural Assistance Act which expired March 31, 1939.

conditions in society. Those favoring federal aid centered their attention on finding constitutional justification for new programs such as those for technical education and education for returned armed forces personnel.

1946 to 1960

Continued expansion of federal government expenditure in education took place after World War II.[67] The legality of federal aid to education was questioned increasingly. Grants to provinces involved a complex network of statutes, regulations and controls welcomed by some and rejected by others. But most of all the issue of federal government right to aid education was explored as it had never been explored before.

Revisions of administrative details continued with such statutes as the 1948 Vocational Training Co-ordination Act[68] and emphasized the need for federal-provincial co-operation. Emphasized, too, was the relationship between federal provisions for education and provisions for increased employment, for unemployment insurance, for veteran rehabilitation and for federal-provincial fiscal policies.

[67] See Table VIII, p. 319.

[68] Supra, pp. 87-93.

Arguments for and against federal aid continued as well. Knight,[69] a determined exponent of federal government financial assistance to education as were other C.C.F. members of the House, spoke on the subject during the 1949 debate on the Speech from the Throne. Referring to a Canadian Teachers' Federation brief to the government on the subject, Knight noted the conviction of the organization regarding the desirability of federal aid. He noted also the careful awareness of provincial responsibility:

> 'After studying for a number of years various plans that have been commended to us, we believe that a straight per pupil capita grant would bring the greatest benefits compatible with the safeguards which certain provinces would require to guarantee that the federal government would not infringe upon their jurisdiction in the field of education. We believe that any system of federal aid should be contingent upon the provinces maintaining or bettering their present level of payments toward education.'[70]

Knight emphasized the importance of retaining individual liberty for the province in education. Any plan for federal assistance in education was not to interfere with provincial rights. He referred again to the Canadian Teachers' Federation brief:

> 'In any plan for federal assistance it would be understood and agreed that the expenditure of funds by the government of Canada would in no way be deemed to confer upon any minister or official of the government of Canada any right of supervision or

[69] R. R. Knight was C.C.F. member for Saskatoon, Saskatchewan.

[70] Canada. House of Commons Debates (Ottawa: King's Printer, 1949), p. 1409.

> control over any school or educational institution with respect to which any federal government funds are expended.'[71]

This small portion of the debate on the Address in Reply to the throne speech went virtually unchallenged and the Speech from the Throne was passed during the evening session of the same day.

Of some concern during this last session of the Twentieth Parliament, however, was the section regarding education contained in the Memorandum of Agreement concerning Newfoundland's union with Canada.[72] Section 14 of the Agreement outlined the protection denominational schools would receive in the provincial program.[73]

[71] Ibid., p. 1410.

[72] Entered into on December 11, 1948. Newfoundland joined Confederation on March 31, 1949.

[73] 'Education

'Section 17. In lieu of section ninety-three of the British North America Act, 1867, the following term shall apply in respect of the Province of Newfoundland.

'In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common(amalgamated) schools, or denominational colleges, that any class or/classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education, (a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

(b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.' Canada. Senate Debates (Ottawa: King's Printer, 1949), p. 122.

An interesting part of the section is the inclusion of a principle of awarding school grants; this is a feature noticeably lacking in Section 93 of the British North America Act.

The First Session of the Twenty-First Parliament[74] convened on September 15, 1949. Prime Minister St. Laurent had begun on November 15 of the previous year what was to be a nine year term of office. Of prime concern to him and Parliament in this session was the definition of power which was to be granted to the Canadian Government to amend the British North America Act.[75]

As the debate on federal aid to education broadened in its scope during this and subsequent sessions, the legality of such aid continued to provide the main thread of the argument. But the constitutional issue took on new dimensions as well. The debate on this issue was characterized increasingly by the inclusion of suggested new methods of rendering financial assistance and of a description of new programs in which to inject this aid.

On October 19, 1949, Knight moved in the House of Commons a resolution which was to be put before the House during several succeeding sessions.

> That, in the opinion of this house, the government should take into consideration means of expanding and equalizing educational

[74]The Twenty-First Parliament was dissolved on June 13, 1953.

[75]See Appendix D, p. 334.

> opportunity across Canada, by the granting of financial assistance to the various provinces for that purpose.[76]

In a lengthy speech in support of his motion, Knight touched on the constitutional issue. Federal aid for education, he claimed, was a necessary result of a shift in taxation powers from the provinces to the federal government. He continued:

> In any plan of federal assistance it would be understood and agreed that the expenditure of funds by the government of Canada would in no way be deemed to confer upon any minister or official of the government of Canada any right of supervision or control over any school or educational institution with respect to which any federal government funds are expended . . .[77]

The autonomy of the province in education was raised again as a basic principle which must govern any relationship among governments in Canada. Fleming,[78] in agreement with this principle, reviewed examples of federal participation in education and suggested that the federal government, the constitution notwithstanding, did have the power to make contributions to educational services. He went even further to suggest that the financial assistance could be made available . . . "without interfering with the autonomy of the provinces, provided that this matter is pursued through agreement between the

[76]Canada. House of Commons Debates (Ottawa: King's Printer, 1949), p. 931.

[77]Ibid., p. 936.

[78]D. M. Fleming was a Progressive Conservative and member of the United Church from Ontario. He was first elected to the House of Commons in 1945.

dominion and the provinces."[79]

The suggestion of federal-provincial agreement on methods of federal financing of education was supported by other Members of Parliament. Implicit in this proposal was not that the implications of Section 93 were any less significant but that financial need and changing federal-provincial relationships were of more importance. The constitutional provision was regarded no longer as a preventative measure but rather as a protective device to ensure that federal expenditure did not mean federal dictation.

During the debate on the Budget, Noseworthy[80] introduced another dimension to the debate. Suggesting that what he was about to say would likely be used against him in a future campaign he was, nevertheless, . . . "interested in education in Canada, and in order to lay that ghost of suspicion which is abroad, that the federal government dare not touch education without stepping on provincial corns, . . . "[81] he proposed to review the extent of federal government involvement in education. The review included vocational education, educational programs for veterans, education of armed forces personnel, scholarship provisions from the Depart-

[79]Ibid., p. 938.

[80]Mr. J. W. Noseworthy was C.C.F. Member of Parliament from the York South Constituency.

[81]Ibid., p. 1424.

ment of Health and Welfare, the National Research Council and the work of the educational division of the Dominion Bureau of Statistics. He continued:

> It is high time that we had in Canada a federal education office that would do for Canadian education what the federal office in Washington does for education in that country.[82]

Noseworthy saw the functions of such an office as including research in education, providing for vocational guidance, and collecting and disseminating information.

The constitutional debate continued through succeeding years in a like vein. A long debate began on October 17, 1949, on a proposed amendment to the British North America Act which would give the Canadian Government the power to amend its constitution except in regard to those sections dealing with schools and the language.[83]

1950. In 1950, Knight, C.C.F. member from Saskatoon, added weight to the argument in favor of federal aid in a quotation from the Canadian Bar Review:

> 'Certainly no constitutional principle prevents the federal government from evolving and initiating educational plans of this type. For such plans do not mean federal legislation on

[82] Ibid., p. 1426.

[83] See Appendix D, p. 334.

> the subject of education itself, but rather the formation of methods of financial assistance to existing forms of provincial education. The control over the organization of schools and the choice of curricula remains provincial.'[84]

But those opposing were still as much in evidence. Marcotte,[85] speaking in a Senate debate on a resolution regarding provincial consent in all constitutional amendments, reflected the views of many by stating that one of the most important duties of the senate was to protect ". . . the rights of the provinces against any encroachments by the federal government, . . ."[86]

1953. Through the sitting of the Twenty-second Parliament from November, 1953, to April, 1957, tacit agreement seemed evident on the legality of federal aid. Discussions centered on the increasing tendency of the federal government to centralize services, on the increasing taxation powers of the central government and on the variety of tax-sharing arrangements between

[84]F. R. Scott, "Dominion jurisdiction over Human Rights and Fundamental Freedoms." Canadian Bar Review (Volume 37, No. 5), p. 526, as quoted in: Canada. House of Commons Debates (Ottawa: King's Printer, 1950), p. 2698.

[85]A. Marcotte was a French Canadian Progressive-Conservative member from Saskatchewan and a Roman Catholic. He was educated in law at Laval.

[86]Canada. Senate Debates (Ottawa: King's Printer, 1950), p. 414.

federal and provincial governments. The various bills passing through the house during this time included provision for assistance for higher education for children of certain deceased members of the Armed forces[87] and a Vocational Training Co-ordination Bill (to amend the 1942 Vocational Training Co-ordination Act). Administrative detail on education of the Indian, on the Royal Military Colleges and on other educational programs received passing attention.

A wider view was being taken of education. No longer was it considered to be an isolated legal problem as in the post Confederation days. Education was linked with the economic changes occurring in Canada[88] and with developing federal-provincial relationships.

1957. The First Session of the Twenty-third Parliament[89] saw a Conservative Prime Minister, a proposal in the Speech from the Throne for a federal-provincial conference to discuss fiscal relations and the first man-made earth satellite launched by Russia in October, 1957. This session and the deliberations of the Twenty-fourth

[87] Seventh Session, Twenty-first Parliament, Bill 336.

[88] The "Gordon Commission", a Royal Commission to inquire into the economy of Canada was set up by Order in Council on June 17, 1955 as P.C. 1955 - 909.

[89] The Twenty-third Parliament lasted from October 14, 1957 to February 1, 1958.

Parliament to August, 1960, produced no new ideas relative to the constitutional problems surrounding federal aid to education. But the ideas advanced were vigorous and in abundance.

Cameron,[90] speaking in the senate on December 3, 1957, noted that, on the basis of the recent contributions of the federal government to education, the principle of federal responsibility to assist the provinces in the field of higher education had been established. Haig,[91] in joining the debate, voiced what was an almost perennial word of caution:

> . . . I hope that no Dominion Government will ever undertake to take education away from the provinces. That is where it is now and that is where it ought to remain. That is one of the most unifying ideas in the whole of Canada and it can be kept alive by leaving it strictly alone. The Fathers of Confederation probably made many mistakes in drafting the B.N.A. Act, but when they left education to the provinces they were on sure ground.[92]

Haig went on to point out that with all expenditure in education, there are no sure returns.

He was supported in part by Roebuck[93] who, in

[90]D. Cameron was a senator from Banff, Alberta, and Director of the Banff School of Fine Arts. He was an Independent Liberal and member of the United Church. He was summoned to the Senate in 1955.

[91]J. T. Haig was a lawyer and member of the Progressive Conservative party. He was elected to the Winnipeg School Board from 1908 to 1921. He was summoned to the Senate in 1935.

[92]Canada. Senate Debates (Ottawa: Queen's Printers, 1958), p. 319.

[93]A. W. Roebuck was a lawyer from Ontario and a

stating that education must be left to the provinces, advanced the argument that because of changes in Canadian education since Confederation, a review of the attitude of Parliament to higher education especially might be timely. His willingness to review the relationship of the federal government to education had limitations, however:

> No matter how things have changed, I would still oppose any interference by the dominion authority in the matter of primary education. But we seem to have broken through with common consent and with very little protest in the matter of higher education, . . .[94]

During the 1958 debate on the Speech from the Throne, Smith[95] continued an emerging trend of compromise between legality and need. He suggested that while education is primarily a provincial matter, the federal government might

> . . . set up a committee on education . . . This committee would not in any way interfere with provincial jurisdiction over education; . . . It would act as an information center and do unlimited research in the field of education. It could investigate and report on education in each province of Canada and in some other countries of the world, . . .[96]

Liberal; summoned to the Senate in 1945. Religion: Anglican.

[94] Op. cit., p. 338.

[95] W. M. Smith was a Progressive Conservative and member of the United Church of Canada. First elected to the House of Commons in 1958; a lawyer from Manitoba.

[96] Canada. House of Commons Debates (Ottawa: Queen's Printer, 1958), p. 374.

Allard,[97] contributing to the same debate, reminded members of the principle of federalism which was very much a part of this constitutional issue:

> Canadian federalism is essentially a system of autonomous governments, that is to say governments, federal as well as provincial, which are absolute masters in their respective and exclusive fields, and those governments must co-operate in fields of common interest, . . .[98]

He went on to review various principles ". . . which the courts have confirmed several times. . . ." One of the basic qualities of federalism so confirmed was that no government has the right to do indirectly what it is prevented by law to do directly.[99] This obvious reference to the taxing powers of the governments led Allard to appeal for federal-provincial tax sharing arrangements whereby the provinces would receive the revenue from direct taxes.

This broadening of the constitutional issue beyond the act of federal assistance to education into the federal-provincial constitutional relationship was continued in the Second session. Dorion,[100] speaking in the Budget Debate, opposed federal assistance to higher

[97]M. Allard was a lawyer and Progressive Conservative from Quebec; a Roman Catholic, first elected to the House of Commons in 1958.

[98]Op. cit., p. 177. [99]Ibid.

[100]N. Dorion was a Progressive Conservative and French Catholic from Quebec and professor in law at Laval University. He was first elected to the House of Commons in 1958.

education as beyond the constitutional powers of that government. He continued:

> Of course I am fully aware that the preamble of section 91 which empowers federal legislators to pass laws for peace, order and good government has developed into a blanket formula most convenient to those who would justify the craving for centralization, which tends to grow within any federal government.[101]

Dorion, supporting his argument with references to the Sirois Commission, suggested that provincial powers could become very limited if the federal government justified its actions through the "peace, order, and good government clause". Taxation, as one example of such power, had to be related to the end it served. It must be but a means entrusted to the government to carry out the activities under its jurisdiction. Therefore, because education was a provincial matter, financing this governmental task should also be a provincial matter.

Turning to a 1938 judgment rendered by the Honorable Justice L. Duff, Dorion quoted in part:

> "It is well not to forget, in examining the constitutionality of enactments of the character of those before us, that by section 93 (subject to provisions having for their purpose the protection of religious minorities) education is committed exclusively to the responsibility of the legislatures; and that, as regards that subject, the powers of the legislatures are not affected by the clause at the end of section 91. We should perhaps also recall that section 93

[101] Canada. House of Commons Debates (Ottawa: Queen's Printer, 1959), p. 2946.

> (as is well known) embodies one of the cardinal terms of the confederation arrangement. Education, I may add, is, as I conceive it, employed in this section in its most comprehensive sense."[102]

Allard, in the same debate, touched on another more general dimension of the constitutional issue. He noted that while changes in the Canadian economic and social atmosphere may have dictated some constitutional changes, education, because of its roots in the principle of federalism, could not be touched. The federal system of government was desired in 1867 and had to be retained through greater federal-provincial co-operation. He continued:

> But what is federalism? It is a system of association between autonomous governments; in other words, the governments adhering to and composing such a system, are not subordinated to one another, but are co-ordinated governments. Under such a system, these governments co-operate in common tasks, such as, for instance, under article 95, in immigration and agriculture. Those same governments respect the exclusive rights of each. Under such a system, those same governments know that they cannot do indirectly what they are prohibited to do directly.[103]

Similar points of view were expressed later on in the session in the debate on the second reading of a Federal-Provincial Tax-Sharing Arrangements Bill. Pouliot,[104] for example, spoke for a return to the freedom provinces had in the light of the constitution.

[102] *Ibid.* [103] *Ibid.*, p. 2647.

[104] Jean-Francois Pouliot was a French Catholic and a Liberal from Quebec; appointed to the Senate in 1955. First elected to House of Commons in 1924.

He noted that the words "exclusive" and "exclusively" were used in reference to provincial powers and that these legislatures should be free within the scope of these powers.[105] Connolly[106] pointed to decisions of the Privy Council to support his contention that the federation was created by the provinces and that this federation did not mean the extinction of provincial independence and autonomy.[107]

1960. The 1960 debate continued in like vein. Hugessen,[108] argued that federal grants to higher educational institutions need not necessarily constitute the making of laws in education. He attempted to make a clear distinction . . . "between voting money by some government authority for some particular object out of taxes collected from the taxpayers, and exercising control over the object for which those moneys are granted."[109] He continued:

[105] Canada. Senate Debates (Ottawa: Queen's Printer, 1959), p. 857.

[106] H. Connolly was a Liberal and Roman Catholic from Nova Scotia who was summoned to the Senate in 1955 after being Premier of Nova Scotia from April to September, 1954.

[107] Op. cit., p. 856.

[108] A. K. Hugessen was an Anglican and Liberal from Quebec and served as a governor of McGill University. He was summoned to the Senate in 1937 and acted as government leader in that body from 1950 to 1952.

[109] Canada. Senate Debates (Ottawa: Queen's Printer, 1960), p. 627.

> Basically it is a law in relation to the way in which this Parliament desires public moneys to be spent, and if you are going to say that the federal Parliament cannot vote any amount of money for any purposes except those over which it has exclusive control, then you are going very far indeed.[110]

In support of his position, Hugessen noted that the principle of federal government contributions to provinces has long been established;[111] but, at the same time, there was no indication that there had been federal control over provincial legislatures.

In the House of Commons, a debate on the second reading of a Federal-Provincial Tax-Sharing Arrangements Bill (which provided alternate arrangements for university grants)[112] was long and exhaustive. It was noted that the Conservative Administration would always respect the exclusive responsibility of the provinces in education. Dorion spoke at length in an attempt to prove the existence of higher educational institutions in 1867 and to suggest that the Fathers of Confederation were aware of these institutions in framing Section 93.[113]

[110] Ibid.

[111] Section 118 of the British North America Act required the federal authority to pay the following to the provinces: Ontario, $80,000; Quebec, $70,000; Nova Scotia, $60,000; New Brunswick, $50,000. See also Table VIII, p. 319.

[112] See Tables XII, p. 323, XIII, p. 324.

[113] Canada. House of Commons Debates (Ottawa: Queen's Printer, 1960), pp. 2809-2910.

In the same debate, Chevrier[114] noted that the constitutional limitations on such federal grants existed in the inability of that government to finance them through a specific direct tax and that it could not use such assistance to impose compulsory regulations in educational matters or to encroach on the exclusive provincial jurisdiction in that field.[115] He went on to discuss this "fantastic piece of legislation":

> . . . This arrangement amounts to a delegation of the federal government of a provincial power to a provincial government. This is surely the height of arrogance, because our courts have decided that even the delegation of a federal power to a legislature or vice versa was unconstitutional. . . . The new scheme, therefore, raises a very serious constitutional issue which is related to the exclusive right of the provinces to raise direct taxes for provincial purposes and to spend the proceeds as the legislature sees fit. Our courts have already decided that the federal government and the provinces do not have the right to surrender by mutual consent a prerogative or a responsibility assigned to them by the constitution. If a province cannot transfer its exclusive constitutional powers to the federal government, it cannot by implication accept any specific limitation on the exercise of those powers imposed by parliament as the condition of an arrangement, because such limitation would amount to the partial surrender of those powers to parliament.[116]

Another who spoke on the constitutional issue during this session as this bill and other related subjects came before the House was Lafreniere, a Conservative

[114] L. Chevrier was a Liberal and Roman Catholic from Quebec. He was first elected to the House of Commons in 1935 and was appointed President of the St. Lawrence Seaway Project in 1934 and President of Privy Council in 1937.

[115] Ibid., p. 3281. [116] Ibid., p. 3283.

from Quebec and whose constituency included Laval University:

> . . . In my humble view, an important aspect of this legislation is the Conservative government's care to abide by the 1867 confederation pact by handing back to the provinces the possibility of raising the taxes required to meet the needs of universities through the deduction of a provincial tax from the federal tax.
>
> Mr. Speaker, probably a number of Liberals will find weaknesses in this formula but it is acceptable.[117]

The debate on the constitutional aspects of federal financial assistance to education during this session was long and at times bitter. It included in part a definition of terms, a delineation of rights and a declaration of principles. It touched on fiscal policies, constitutional prerogatives and political theory. However, in spite of its intensity and depth, it finally ended.

But the impression was left that the only reason for concluding was that this Third Session of the Twenty-Fourth Parliament itself adjourned on August 10, 1960.

III. CONCLUSION

Discussions by members of the House of Commons and Senate on the constitutional implications of federal aid to education related chiefly to Section 93 of the British North America Act which outlined provincial responsibility for education. Those opposed to federal

[117] Ibid., p. 3293.

aid maintained throughout the ninety-three years under study (1867 to 1960) that education was solely a provincial responsibility and therefore out of federal jurisdiction. These opponents suggested that once federal aid to education was afforded the provinces, federal supervision would soon follow. This supervision would mitigate against provincial autonomy in education.

These opposing arguments were such that the federal aid programs passed by Parliament had to be justified in terms of other constitutional provisions. These provisions along with the changing roles of both federal and provincial governments served to support the argument of those in favor of federal aid.

The proponents of federal aid to education claimed, first, that the British North America Act does not state that federal money cannot be spent for education. They referred to land grant legislation and to education of the Indian along with other educational programs as examples of federal financial involvement in education.

Secondly, those in favor of federal aid argued that federal involvement in other provincial responsibilities suggested that changing needs in Canada required a new interpretation of the constitution. It was claimed that the constitutional provisions designed to serve a nation at the time of Confederation could not be retained in the face of continual change in the social and economic environment characteristic of Canada in the years after 1867.

CHAPTER VI

MINORITY RIGHTS

> . . . I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions, until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile division of French and English.[1]

I. INTRODUCTION

The concern Canadians have for minority rights, particularly in the area of religion, is one rooted in history and branching continuously into varying facets of the society. The issue of religion and minority rights concerns the French and the English speaking, the protestant and the Roman Catholic, the Maritimes and the West, Quebec and Ontario, the farmer and the industrialist. The origins of the debate are founded mostly in the elements of language and religion. The current struggle is one of identity of a people and preservation of a culture.

Purpose of the Chapter

The purpose of this chapter is to examine that

[1]From Lord Durham's Report, 1839, as recorded in: J. H. Stewart Reid, Kenneth McNaught and Harry S. Crowe (eds.). A Source Book of Canadian History (Toronto: Longmans, Green and Co., 1959), p. 111.

part of the parliamentary federal aid debate which surrounds the subject of minority rights - particularly those rights which have reference to religion. The discussions include the effect federal expenditure would have on the rights of minorities. A chronological sequence of opinions expressed in parliament on the rights of minorities relevant to federal financial aid and anticipated resulting federal control is presented.

Definition of the Issue

The controversy surrounded governmental infringement on minority rights which it was speculated might arise as a result of federal financial involvement in education. The discussions encompassed the relationship of dominion-provincial authority in education and the right of any minority group to participate in federal government financial plans. In the light of a history of protection for minority rights, the question of the continued separation of church and state was raised. To what extent would private schools have benefitted from such aid? How would governmental controls be exercised over these schools which were developed for the expressed purpose of avoiding governmental oversight? If the private school was not to receive financial assistance from the federal source, how could discrimination by government be justified in a free Canadian society? These and other questions arise in the debate.

Those in favor of federal aid for education noted

that direct federal contact with specific institutions was highly unlikely. Rather, federal financial assistance would be awarded to the provincial government for distribution on established bases within the province. Those opposed to federal aid relied heavily on the argument surrounding the principle of church-state separation. They claimed that once federal grants were made to one kind of educational institution it would not be long before all educational institutions would be requesting equal treatment. The proponents pointed to the history of federal grants to education and indicated the lack of problems with minority rights presently in evidence. The opponents looked to historical background as well and suggested that the purpose of Section 93 of the British North America Act was the protection of minorities in education and the distinct exclusion of the federal government from participation in education. To aid the majority without similar treatment for the minority would be a case of gross discrimination.

These are some of the arguments which became evident through the ninety-three years of debate under consideration. The common concern was not so much one of legality nor of religion or language but more one of a principle of minority rights. It was not so much a controversy over human rights as it was one of minority group rights in a democratic society.

II. THE DEBATE

Implicit in Section 93 of the British North America Act[2] is the recognition of minority rights and the protection of these rights in education. As was noted in Chapter V,[3] a major concern of those discussing confederation was the "sectional discord," the "apprehension in Lower Canada," and a ". . . guarantee against any infringement by the majority on the rights of the minority . . ." in education.[4] For a time agreement was reached and general satisfaction prevailed relative to the protection of minorities as provided in Section 93. It was not long, however, before the test came and the deep waters of minority rights were disturbed again.

1867 to 1896

Ontario and Quebec, both created by the British North America Act, retained the pre-confederation rights in education of the Roman Catholic population. In Quebec, a dual school system was formed wherein these rights extended equally to Roman Catholic and Protestant. In New Brunswick and Nova Scotia, the other provinces to

[2]See Appendix A., p. 326.

[3]Supra, pp. 113-120.

[4]Confederation Debates (Quebec: Hunter, Rose and Company, Parliamentary Printers, 1865), p. 18.

join confederation in 1867, no minority schools existed by law prior to confederation and therefore there was no legal obligation to provide for them in subsequent years. This same situation later existed in British Columbia,[5] in Prince Edward Island.[6]

Manitoba was established in 1871.[8] The nucleus of the province was the old Red River Colony in which all schools were denominationally organized and controlled. Section 22 of the Statutes of Manitoba[9] included the phrase "by law or practice" in a description of those schools to be recognized as protected by law. The 1871 School Act was based largely on the interpretation of the word, practice, and established a dual system of sectarian schools. This Act, with subsequent amendments, remained the school law of the province until 1890.

The new Department of Education Act[10] and Public Schools Act[11] passed by Manitoba in 1890 enabled a completely non-sectarian system of publicly controlled

[5] Joined in 1871 by Imperial Order in Council, May 16, 1871.

[6] Joined in 1873 by Imperial Order in Council, June 26, 1873.

[7] See Appendix K, p. 353.

[8] Statutes of Canada, 33 Victoria c. 3 (1870). Ratified by Imperial Order in Council, June 23, 1870.

[9] Statutes of Manitoba, 34 Victoria, c. 12 (1871).

[10] Statutes of Manitoba, 53 Victoria, c. 37 (1890).

[11] Statutes of Manitoba, 53 Victoria, c. 38 (1890).

and supported education to come into existence. Denominational schools could still exist on a voluntary basis. But publically supported schools for the minority (Roman Catholic) were abolished.

The controversy surrounding this series of events in Manitoba dominated the first thirty years of debate on the issue of minority rights in education.

Coupled with the Manitoba school question was a less extensive but no less important question raised relative to the New Brunswick School Act of 1872 which disallowed separate schools. One member of the House of Commons commented on this Act in a fashion characteristic of the debate:

> There could be no doubt of the soundness of the policy of not interfering with the Local Legislature where it could be avoided, but this was a case in which the greatest excitement and dissatisfaction had been occasioned throughout the whole Province and he Anglin could imagine no good or sound reason why the Act was not declared void. The greatest hatred and excitement prevailed at this moment throughout the Province, and he appealed to the Roman Catholics of Quebec and throughout the whole Dominion, not to sit down tamely and see their brethren in New Brunswick outraged, insulted, and deprived of their just rights and privileges.[12]

1875. The debate continued for several years on the New Brunswick school question and on the related topic of separate schools in the Northwest Territories. Costigan,

[12]Canada. Parliamentary Debates. 35 Vict., 1872 (Ottawa: Ottawa Times, 1872), p. 197.

a Conservative member from New Brunswick, commented during the 1875 debate on the legislation in that province disallowing separate schools:

> The great majority of the people do not desire to see this state of things continue. They had no desire to persecute or ill-treat the minority in the Province. . . . It was only when aroused and led on by political leaders for political purposes, when their worst passions were excited, that they became illiberal. . . .
>
> He expected . . . when the Liberal party came into power, that the question, . . . would be satisfactorily solved. Such at least were the promises and professioms of the Liberals . . . and such the expectations of the Catholic population of this country. They had, at the last election, supported the friends of hon. gentlemen opposite on the principle that they were supporting a party and a Government disposed to do them justice.[13]

These statements serve to reflect the intensity of feeling aroused by the question of minority rights. Reflected also is the tendency to relate the alleged abrogated rights of this religious minority to the political vicissitudes of the day. Ensuing debate included the proposal that the province should be "sovereign" in the matter of religion and education. It was suggested that Parliament had no real power to deal with the separate school question in New Brunswick and that this "constitutional question" reflected the problem of interpretation of Section 93 and of corresponding provincial legislation.

[13]Canada. House of Commons Debates. (Ottawa: Queen's Printer, 1875), pp. 560-561.

Sir John A. Macdonald's Conservative party formed the government once more as the First Session of the Fourth Parliament convened on February 13, 1879. Through the succeeding two Parliaments to the end of Sir Charles Tupper's sixty-nine day incumbency as Prime Minister[14] in 1896, two further events fanned the flames of sectional discord to an even greater degree.

1886. The first of these events was the capture, trial and execution[15] of Riel. Through March, 1886, there was a thorough discussion of Riel's trial and his alleged insanity. Political views were aired and some disenchantment with the apparent policies of the Conservatives was in evidence. The debate[16] in the Senate included a statement from Bellerose, a Conservative from Quebec, who reflected the views of that province toward the Conservative Party, Riel and Confederation.

Bellerose noted the suspicions that Roman Catholics and French Canadians had regarding some of the pre-Confederation resolutions but they had received "solemn promises" and had agreed in good faith.

[14]May 1, 1896 to July 8, 1896.

[15]Riel was executed on November 16, 1885 in Regina.

[16]The House of Commons debate on Riel from March 11 to March 24 took some 300 pages to report. Senate debate covered 48 pages.

These promises had not been carried our, however.

> In 1871, in reference to the New Brunswick School Act, an iniquitous law directed against Catholics, Sir John, in his capacity as Minister of Justice, . . . recommended that the disallowance of that law, demanded by the Catholics, should not take place, because, as he said, the law, though oppressive to the majority in the province, was constitutional, as New Brunswick had not, before Union, any law which recognized separate schools. Sir John added on that occasion that he was opposed to any intervention in the legislation of the provinces, unless it was ultra vires or prejudicial to the general interests of the Dominion.[17]

He continued with a further denunciation of Conservative policies regarding Roman Catholics and French Canadians. One such policy concerned the management (or mismanagement) of affairs in the Northwest Territories which led to a rebellion.

> We now come to the scaffold of Regina on the 16th of November last. . . . It is not . . . the execution of Riel alone which has produced the great national movement in the Province of Quebec. The murder of the 16th November was the last act of a tragic drama which has been played for twenty years to the detriment of Catholics and French Canadians.[18]

Bellerose suggested that the reason for the agitation amongst his compatriots was due partly to the unjust treatment of the people in the Northwest Territories. This was reflected, he continued, in the laws governing that area and in the treatment afforded Riel. These

[17]Canada. Senate Debates (Ottawa: Queen's Printer, 1886), p. 45.

[18]Ibid., p. 47.

were some of the causes for the disenchantment felt toward the Conservatives by many French Canadians and Catholics. He concluded:

> But I hope that the time is not far distant when our people will unite and force the majority to respect their rights and do justice to the minority. . . . I do not ask the House for favors on behalf of those present . . . but if the majority continue to trample upon our rights and privileges as they have been doing, some day you will witness in the Province of Quebec something similar to what has taken place in Ireland - a union of our race, which will exercise the same influence in the Parliament of Canada that the Parnellites wield today in the Parliament of Great Britain.[19]

1890. Associated with the concern of Parliament regarding the Northwest Territories was that which surrounded federal support of schools for Indian children. These schools were organized and operated by religious denominations and were situated for the most part on Indian reserves. While criticism was being levelled at the government for its treatment of the French Canadian and Roman Catholic population, similar criticism was voiced concerning government grants to denominational schools for Indian children.[20]

This controversy surrounded state involvement in educational institutions operated by religious denomina-

[19] Ibid., pp. 53-54.

[20] The Federal Government paid grants to 72 denominational schools in 1890 including 27 Church of England schools, 11 Presbyterian schools, 10 Methodist schools and 24 Roman Catholic schools. See: Canada. House of Commons Debates (Ottawa: Queen's Printer, 1890), pp. 2172-2174.

tions. Complete separation of church and state was seen by some as being incompatible with the fact that full control of these denominationally operated and government subsidized schools rested with the government. It was noted further that the federal government was responsible for the Indian and that this kind of school was less expensive to operate than a government owned and operated institution.[21]

Discussion of the Manitoba School Question was intensified throughout the first five years of the 1890's. Indeed, little else was said without reference to this situation in Manitoba. This was the second major event which contributed to the sectional discord in the country. The Manitoba School Question not only created further hostility between majority and minority groups, not only focused this hostility on the federal relationship to education, but also brought down the Conservative government and created an enduring sensitivity among the parliamentary population toward federal involvement in education.

During the First Session of the Seventh Parliament[22] note was made frequently of the "great agitation" in the country over the new School Act in Manitoba. Various public statements showing "opposition and alarm" were introduced into the debate. One such statement was a

[21]There were some 223 Indian schools operating in all the Territories and Provinces. See: Ibid., p. 4047.

[22]April 29, 1891, to September 30, 1891.

pastoral issued by the archbishops and bishops of the ecclesiastical provinces of Quebec, Montreal and Ottawa. In part it read:

> "In a land where freedom of religion is so loudly proclaimed, fetters have been placed on that liberty. Our social and political institutions warranted protection to all our rights, and now, behold the same rights trampled upon by the very persons who should safeguard them. Here you are exposed to persecution - not a bloody persecution which attacks the body or external life, but a persecution most cunningly masked, which attacks the intellect, hinders it from being enlightened by Christian light and guided by the reflections of its divine splendours."[23]

The French Conservative paper, La Presse, noted in 1891:

> "French Canadians and Catholics, who have always been the most faithful observers and the most constant supporters of the British North America Act, will know henceforth how little the constitution protects their most sacred rights, since a fanatical majority may trample upon them with impunity."[24]

Implications of the Manitoba legislation, outside of the resulting public agitation, were thought to be many. The apparent lack of protection for minority rights in language and religion was seen as a dangerous precedent infringing on the freedom of the minority. Some debaters were convinced that development of the west would be arrested and immigration drastically curtailed.

[23] As quoted in: Canada. House of Commons Debates (Ottawa: Queen's Printer, 1891), pp. 118-119.

[24] As quoted in: Ibid., p. 119.

Others were equally convinced that it was not the responsibility of the state to teach religion.[25] It was argued that public schools should be state institutions and should foster a unity of language not promote barriers of language and religion, a situation implicit in the separate school concept.

As the debate moved from session to session, there appeared to be a growing awareness of federal government involvement in the religious aspects of education. Along with the pressure exerted by those disturbed by the activities in Manitoba, serious discussions continued on the concurrent issue of aid to denominational schools for Indians.

In an 1893 parliamentary examination of Indian schools, Davies[26] called for an established policy to control government grants to the denominationally operated institutions. Recognizing how the government had ". . . drifted into this policy of appropriating public moneys for the support of these denominational schools for Indians,"[27] he saw a danger in continuing

[25]Nor to "Christianize pagans"; see: Canada. House of Commons Debates (Ottawa: Queen's Printer, 1890), p. 4047.

[26]L. H. Davies, a Liberal, was first elected to the House of Commons in 1882, after having served as Premier and Attorney-General in Prince Edward Island from 1876 to 1879.

[27]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1893), p. 2097.

this practice without a firm frame of reference which could be communicated to the public. He continued:

> . . . I do not see where this thing is going to end. I thought that the different churches engaged in the evangelization of the Indians were doing so on voluntary subscriptions furnished them by members of the Church. If we continue doing this at the public expense, hon. gentlemen will see that, in the very near future, we will reach a point when there may be an uproar; each church will complain that it is not getting its fair share. . . . You cannot divide this thing into Catholic and Protestant. It will be Baptist, Presbyterian and Methodist denominations, and every Christian body which goes there to carry out this work will expect, and will have the right to expect, if you continue this system, to receive aid from the state.[28]

Others supported Davies and reasoned that even though the beginnings of federal aid to religious denominations for schools was an economical move and even though supervision was exercised over the schools by federally appointed authorities, such grants provided for a dangerous precedent. It was noted, however, that the religious groups

> . . . were informed at the same time that the Government did not commit itself permanently to such a policy - that it was merely a temporary arrangement with regard to which there would be no breach of faith if the Government took charge of any of those schools at any time it might think proper.[29]

However, "taking charge" was not advocated as seriously as was the need for closer supervision and the desirability of consistent policies.

[28] Ibid. [29] Ibid., p. 2098.

The 1893 Throne Speech made no mention of the educational state of affairs in Manitoba.[30] But the Third Session of the Seventh Parliament was only six days old when, on February 1, Boulton[31] rose in defence of the decision in Manitoba. He agreed that the Roman Catholic population should be able to apply tax revenue to separate schools ". . . until they themselves realize the advantages of public education."[32] He suggested that, because the population is very sparse and distances great,

> . . . the object of the school law was to reduce the burden of taxation to the lowest limit and enable the people to educate their children, by making ratepayers of all denominations to contribute alike. At the same time, they have altered the law upon which school matters rest and created what is called a national system of education. That is to say, that all education will be under the state, but without separating religion from education.[33]

The discussions in the House of Commons and Senate from 1867 to 1896 on the subject of minority rights in education and particularly on the relationship

[30]This might be construed as being consistent with the desire of the Conservative government to play down these events as much as possible. The party leadership was changing frequently. There was great dissatisfaction in the country and the party of Confederation was likely aware of its approaching, but hopefully only temporary, demise.

[31]Lt. Col. C. A. Boulton was a Liberal Conservative from Manitoba. He was sentenced to death by Riel but obtained a reprieve and fought in the campaign of the Northwest Rebellion in 1885.

[32]Canada. Senate Debates (Ottawa: Queen's Printer, 1893), p. 55.

[33]Ibid.

of the central government to these rights included a variety of topics. The government-church relationship in the education of the Indian was explored. The constitutional safeguards in Section 93 were tested in New Brunswick and in Manitoba. The attitude of the government toward education in the Northwest Territories was examined.

1896 to 1945

A compromise solution to the situation in Manitoba was reached in 1897 but the rights of minorities in education continued to be discussed. In 1905,[34] a long debate on provincial autonomy in the North West included as the most prominent single subject education and religious minority rights. But debates on federal aid in subsequent years alluded only occasionally to this particular topic.

In 1907, for example, Laurier[35] entered a discussion on fiscal relationships between the federal and Provincial governments and, noting the compromises which were afforded Quebec on the subject, digressed for a moment to speak of Brown and Confederation:

> . . . in the matter of education, though he had been all his life a consistent opponent of separate schools, he did not hesitate to accept

[34]Saskatchewan and Alberta joined Confederation in 1905.

[35]Prime Minister from 1896 to 1911.

> separate schools in the new constitution in order thereby to secure the concurrence of the minority in Quebec and the minority in Ontario. . . . The union of the provinces was the supreme end he had in view, and that end was attained.[36]

1930. Prior to 1930, two trends began to emerge in discussion of minority rights and federal aid. The concept of the minority appeared to shift from a relationship primarily concerned with religion to an association with the rights of the provinces.[37] The provinces were regarded as being minority entities in relation to the federal government "majority".

A second trend which became evident was the association of minority rights not only with provincial rights generally but with the specific characteristics of Quebec. Federal aid discussions shifted, therefore, toward a consideration of provincial rights and particularly toward the rights of Quebec.

Bourassa,[38] speaking during the Throne Speech debate of Conservative gains in the 1930 election,

[36]Canada. House of Commons Debates (Ottawa: King's Printer, 1907), p. 5293. Laurier went on to describe the "true reformer": "The true reformer is not he who always adheres stubbornly to his own ideas, but the true reformer is he who, after having earnestly combatted for his opinions then yields in order to attain some greater end, and to facilitate the change from the old to the new order of things." Ibid., p. 5294.

[37]See Infra., Chapter VIII.

[38]Henri Bourassa, an Independent, was first elected to the House of Commons in 1896. He was from Manitoba where he was director and editor of Le Devoir.

illustrated the developing suspicion on the part of Quebec toward federal financial involvement in education:

> . . . although the people of Quebec may not be a majority in this country, although they may have their weaknesses, their passions and their prejudices, there is in them an inner pride which makes them resent deeply any attempt on the part of any party to deceive them.[39]

Discussions of the effect of federal aid on minority rights began to change, therefore, from the suggestion that these rights were being ignored toward an expression of hope that the provincial minorities might be better understood. Quebec emerged as a focal point for arguments concerning provincial rights.

During a discourse in which the rights of the dominion and the provinces were of major concern, one Member of Parliament revealed the sensitivity of the pre-World War II Quebec attitude on this issue:

> The greatest fights since confederation have been carried on by the English-speaking provinces. The warrior bold and the great champion of provincial rights was Sir Oliver Mowat who downed Sir John A. Macdonald in connection with many bills with regard to provincial rights. Who forgets the great fight carried on by Manitoba with regard to its educational rights? Who forgets the great fight carried on by New Brunswick on that same question? It is strange, but it happens that in this country the greatest fights we have had have been on the education question.
>
> The population of Canada is composed mainly of two of the leading races of the world. Without Quebec there would never have been a confederation because Quebec, being situated in the

[39] Canada. House of Commons Debates (Ottawa: King's Printer, 1930 (Special)), p. 53.

> middle, immediately between the maritime provinces and Ontario, consented to confederation, and in doing so gave up many rights. . . . I am proud to be able to say that today it is the boast of my province that it has carried out that undertaking of confederation not only to the letter but in the spirit also. . . .
>
> Let us remember that we are Canadians. We are all proud of the country from which we sprang. Those who came from French stock have nothing to be ashamed of nor have those of British extraction. While we have had in this country men from all races, the French Canadian has played his part, not only in establishing this dominion but in its constitutional development, . . .
>
> If you want to do anything in this or any parliament, the legislation which you introduce must be backed by public opinion. . . .[40]

World War II served to bring about more unity between provincial and federal governments. Concern for the rights of minority groups remained, however, and was again evident in the decade of the fifties.

1946 to 1960

The final period of debate was characterized by increasing emphasis on the rights of the provinces as they were affected by federal financial participation in education. The safeguarding of provincial autonomy in education was of major concern. Quebec appeared to be the focal point of much of the discussion.

In October, 1949, Knight moved a resolution urging the government to ". . . take into consideration means of expanding and equalizing educational opportunity

[40] Canada. House of Commons Debates (Ottawa: King's Printer, 1934), p. 2184.

across Canada, . . ."[41] Illustrating the attitude which appeared to prevail at the time on the relationship of minority rights to educatior, he noted:

> Apparently in this country there is a minority who cannot discuss that question without letting past history enter into the argument. Somehow there seems to be a great fear and a great lack on the part of one group with respect to another group. If we are ever to be a nation, if we are ever to have this national unity that we are forever talking about, we must learn to trust our people.[42]

Mentioning a "befogging" of the issue of federal aid by the introduction of the concept of autonomy, Knight indicated that some people regarded the idea as a

> . . . deep, dark conspiracy by means of which someone, presumably the federal government, is somehow seeking to get control of the educational policy of a province or some provinces.[43]

1953. Other resolutions regarding equality of opportunity in education presented in subsequent years raised similar reactions. During a 1953[44] debate on this topic, Rousseau[45] contended that Quebec had been very content to keep education under the exclusive direction

[41]Canada. House of Commons Debates (Ottawa: King's Printer, 1949 (Second)), p. 931.

[42]Ibid., p. 935.

[43]Ibid.

[44]During the 1952-1953 Session of Parliament, Quebec declined any further grants in support of universities. See Table XII, p. 323.

[45]J. H. Rousseau. A Liberal and Roman Catholic from Quebec, was first elected to House of Commons in 1950. He was president of the school committee of Trois Pistoles for twelve years.

of its governmental, municipal, school and religious authorities. The rights of all minorities had been protected by this arrangement and standards of education remained high.[46]

Noseworthy[47] reacted to the opposition to the concept of equal educational opportunity and suggested that education in Canada had suffered for a long time because of the racial and religious rivalry in the country. He decried the "subterfuge" surrounding the method of granting aid to vocational education so that the federal government did not appear to be interfering with provincial rights. He continued:

> I am told that the people of the province of Quebec do not want to accept federal aid. They fear that in some way the state will interfere with religious training in their schools. I find that in Ontario a large section of the province is afraid that if federal aid for education is extended, the Roman Catholics in Ontario or Quebec are going to benefit by such assistance.[48]

1958. One of the sources of parliamentary conflict over minority rights was on the subject of university grants. Speaking in favor of providing greater assistance to

[46]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1953), p. 1336.

[47]J. W. Noseworthy was C.C.F. Member of Parliament from York South, Ontario.

[48]Op. cit., p. 1340.

universities, Fisher[49] commented on the need but warned that the autonomy of the institution could not be lessened by the awarding of such aid. He referred to the feeling in Quebec that federal grants were a menace to cultural and religious autonomy. It was felt further, he reported, that if the universities did not resist grants, soon secondary and elementary education would come under "attack" by the federal authorities. Fisher quoted from Le Devoir:

> "We live in an age in which the people of Quebec prefer to be poorly governed by themselves rather than well governed from Ottawa."[50]

This attitude, focused by many such comments, prevailed throughout the post war period to 1960. But there developed another approach to the issue of minority rights. With its roots imbedded in the discussions of the 1930's, a new urging to solve the problems which minority rights created began to grow. Cameron[51] reflected in part what many had said or had implied during recent years:

> I do not agree that the primary challenge to our way of life today comes from communism, or anything like it. . . . But our most serious

[49] D. M. Fisher, a C.C.F. member of parliament, was first elected in 1957. He was a member of the United Church and a librarian-teacher.

[50] As quoted in: Canada. House of Commons Debates (Ottawa: Queen's Printer, 1958), p. 2957.

[51] D. Cameron. See Supra., p. 154.

> menace, in my view at least, comes from within. It results from the unwillingness of the people and the politicians to face the major issues. . . . But, I suggest . . . that we have to look carefully where we are going, and that one of the qualities which governments must develop to a greater extent than they have been doing in recent years is the faculty to say "No" to appeals by narrow sectional interests, to say "No" to the strongly-organized groups which are ever present and pressing for particular concessions.[52]

In the House of Commons, Flynn[53] defended Quebec's position against the mounting pressure for increased federal assistance to higher education. He noted in Committee on Supply[54] the unconstitutionality of these grants and reminded Members that French-speaking Canadians of Lower Canada considered Section 93 of the British North America Act essential for the preservation of their "culture, their language and their own individuality."[55] Flynn continued:

> . . . Today, . . . it considers absolute control in this field as more than ever necessary, as an essential guarantee for the preservation of its own individuality, which it believes should be preserved and cultivated for the benefit of

[52]Canada. Senate Debates (Ottawa: Queen's Printer, 1959), p. 195.

[53]J. Flynn, a lawyer, was a Conservative and Roman Catholic from Quebec who was first elected to the House of Commons in 1958.

[54]The House was considering an item totalling $26,221,500.00 for university grants.

[55]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1959), p. 6395.

> Canada as a whole seeing, in short, French culture as serving the Canadian nation.[56]

Support for this point of view came from many quarters. The principle of federalism, a system of association between autonomous governments, was related to the rights of minorities. In such a system the various governments respect the exclusive rights of each other. An "exclusive right"

> . . . is a right that belongs peculiarly to the holder and cannot be shared, except with mutual consent. An exclusive right is of a higher order than an ordinary right, and even overrides a priority right, a relative right. In its own field it is an absolute right.[57]

Few appeared to quarrel with such statements on the rights of the minority group. But suggestions were made regarding the implications of adhering to this point of view in the face of changing conditions and of need for social and economic planning. Fisher expressed it this way:

> We can certainly see that education has to be a fundamental part of any plan. It may be the whole key to our future, whether or not we are taking a socialistic interpretation. As long as we have one province holding the line, as Quebec indicates it is going to do, we are going to have difficulty in moving to national planning in order to attack the problems in education. If Quebec holds on to its point of view I think we may even reach the stage where we will find that the rest of the country will have to go ahead with national educational planning and let Quebec stay outside, as she has stayed outside in a number of other arrangements. If Quebec feels that it is so necessary for their own individuality and culture

[56] *Ibid.* [57] *Ibid.*, p. 2647.

> to remain outside in the educational field, then I think we will have to recognize that they have that right and, on the other hand, Quebec will have to recognize that the rest of Canada has a right to go ahead on a national basis with some sort of plan to pull us out of our educational problems.[58]

1960. The debate in 1960 included an explanation of the constitutional provisions for education, a discussion of interpretation of Section 93 and an outline of the pre-Confederation situation in Canada which led to these provisions. The New Brunswick and Manitoba school questions were included as part of a general review of the history of minority rights and the relationship of the federal government to these rights since 1867. The issue was related to the political promises of the Liberals and Conservatives and the resulting actions of each party when it formed the government.

Specific programs of federal financial assistance to education were discussed as well. The protection of language and religion, the importance of cultural preservation, the differences between educational institutions of the minority and those of the majority and the importance of freedom from federal control - all these were outlined in relation to federal aid. Dorion, in a debate on a resolution regarding federal-provincial

[58] Ibid., p. 2744.

tax sharing arrangements, expressed the opinion of many during the latter part of this third period of debate:

> I repeat, Mr. Speaker . . . that, faced with the importance of that problem of federal grants to university teaching; faced with the conflicts of opinions which they arouse in the province of Quebec; faced with the resistance shown by the Quebec government, in order to fully retain the exercise of a right all its own; faced with the deep seated reasons motivating its attachment to that right, its will to defend and maintain it, I do hope the problem will be on the agenda of the next federal-provincial conference, . . . that will take into account the very basis of federalism, which may be summed up in two words: "unity and diversity".[59]

The debate on the issue of religion and minority rights regarding federal aid to education ended on two notes: a plea for federal-provincial co-operation and an awareness of the necessity to promote in Canada a unity in diversity for a bi-lingual and bi-cultural people.

III. CONCLUSION

The content of the debate in the House of Commons and Senate on the topic of federal aid to education as it related to minority rights changed in emphasis over the ninety-three years studied. Initial discussions on the subject were concerned with the rights of the Roman Catholic minority groups in New Brunswick and

[59]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1960), p. 2812.

Manitoba. Those opposed to federal aid suggested that such aid would interfere with religious freedom and with freedom in designing and conducting educational programs. Those in favor of federal financial assistance argued that the public schools should be state institutions and should foster unity rather than promote barriers of language and religion.

A second area of discussion developed during the 1930's. It was in this period the minority formerly associated with language and religion became identified with provincial groups. Those opposed to federal aid to education saw such aid as limiting the freedom of the province to conduct its own programs. Quebec was listed particularly as a minority attempting to preserve its culture, language and individuality in the face of federal government interference in education.

The proponents of federal aid suggested that such financial assistance did not interfere with provincial rights. Even more important, however, such aid would help develop equal opportunity in education. National planning was conceived as important enough to override sectional and provincial interests.

CHAPTER VII

HUMAN RESOURCES

> In a country which boasts of freedom based on law and inspired by Christian principles, it is perhaps unnecessary to say that education is not primarily the responsibility of the state at all, whether provincial or federal. Education is primarily a personal responsibility, as well as a fundamental right of the individual considered as a free and rational being. . . .
>
> If the Federal Government is to renounce its right to associate itself with other special groups, public and private, in the general education of Canadian citizens, it denies its intellectual and moral purpose, the complete conception of the common good is lost, and Canada, as such, becomes a materialistic society.[1]

I. INTRODUCTION

Of recent years Canadians have become aware of the importance and value of the human resources of the country. It is an awareness which has been nurtured by the wars, by the depression and by the great economic boom of the 1950's. The discussions encompassed the role of government in the development of these human resources. Principles and methods involved in education were examined with the aim of enabling Canadians to be more productive in their roles in society.

[1]Canada. Royal Commission on National Development in the Arts, Letters and Sciences 1949-1951 (Ottawa: Queen's Printer, 1951), pp. 7-8.

Purpose of the Chapter

The purpose of this chapter is to examine a third aspect of the parliamentary debate on federal aid to education relating to the human resources of Canada. The debate on this issue concerns itself with educational problems which developed as a result of changes in the kinds of tasks which society has demanded of its members as time passed. A chronological sequence of opinions expressed in the House of Commons and Senate on the relationship between education and human productivity is presented.

Definition of the Issue

The debate is about the extent to which the federal government should participate in the education of the Canadian people. But unlike other discussions, this area of the parliamentary debate encompasses the economic and philosophical reasons for such participation. Should a central government be concerned about the kind and amount of education received by the populace as a whole? What should be the extent of this concern: informal advising of local bodies to improve educational programs, formal financial assistance with limited control to provincial governments for specific programs or total federal control and complete formal operation of educational programs?

Those in favor of federal aid for education note the importance economically and politically of a higher skilled, better educated Canadian population. Those

opposed refer to the desirable competition of provincial, industrial and community groups in the provision of a better education. The proponents point to the vital necessity of high quality human resources for the international reputation of Canada. The opponents note the prescription of federal programs and the loss of freedom which might result when the individual is submerged for the good of society. Federal aid enthusiasts agree that technological changes in the Canadian society demand central government assistance in the training and retraining of the labour force. The detractors insist on the distince advantages of local adaptability and the necessity of solving local needs through local programs.

These and other arguments are evident in this category of the general debate on federal aid to education. The common thread is one not of legality nor of control but of a moral responsibility to meet individual need.

II. THE DEBATE

It was almost natural that members of the House of Commons and Senate should be concerned not only with the quality of the educational programs which federal legislation affected but also with the people being educated as a result of such legislation. This interest began

with Indian schools[2] and military colleges, extended through technical and vocational education programs and, along with involvement in the financing of higher education, with the educational level of the populace as a whole.

Parliamentary discussion changed over the years as well. It moved from a discussion of administrative detail and of specific programs, through a definition of new educational needs based on observed societal changes, to a full debate on education as the main feature in the development of Canada's human resources.

1867 to 1896

The debate began slowly. First discussions related to the kind of education which the youth of the country should receive. Brouse, a Reformer and member of the Mackenzie administration, moved in the House of Commons on February 15, 1875, the appointment of a select committee to report on the present system of military drill. He recommended, further, the introduction of juvenile military education into the schools, ". . . believing that it bears a most important relation to the future growth and stability of our country".[3] Arguing that

[2]The federal government was involved early with Indian education and with military colleges. See: Supra: pp. 84-87; and Canada. Parliamentary Debates. (Ottawa: Ottawa Times Printing and Publishing Company, 1874), p. 189.

[3]Canada. House of Commons Debates. A. M. Burgess (ed.). (Ottawa: C. W. Mitchell, "Free Press" Office, Elgin Street, 1875), p. 144.

federal money might be saved by giving military drill in the schools, Brouse went on to emphasize the value of physical activity:

> . . . the education of youth should be of mixed character. . . . It . . . is today . . . a national mistake to compel the tender child to quietly sit for six or more hours . . . while the physical development is not promoted.[4]

While the motion was dropped because members of the House were reluctant to approach the provinces in a matter about which there was some doubt of federal jurisdiction, military drill was, significantly, one of the first kinds of program mentioned in this issue of the debate.[5]

Related to the subject of military drill in schools was that of the Royal Military Colleges which the federal government had established and continued to operate through to the end of the period under study.[6] Initial debate described the kind of program offered and the type of person attracted to it. It was noted as well that some of the ". . . young men who entered the schools were either too idle or too useless to find other employment for themselves . . ." and upon completing the program

[4] Ibid., p. 145.

[5] The cadet movement had its beginnings in these and subsequent deliberations of parliament on the subject of military drill.

[6] A Military College was established at Kingston, Ontario in 1876. The title of "Royal" was conferred upon the College by Queen Victoria in 1878. See Supra., p. 95.

went to the United States.[7] The fact that the cadets were under no obligation to the state upon graduation was to be a source of concern and an influence on the college curriculum for some time.

A third topic concerned the Indian population of the country. The government had established schools for Indian children early and, as was the case in discussions of other programs, soon found itself embroiled in debate on administrative detail and program offerings.

1886. The beginnings of serious consideration of the human resources involved began in 1886. Kaulbach,[8] in a discussion on the policy of the government toward the Indian, noted:

> General Sheridan's opinion was that the only good Indian was a dead Indian, and the policy which that expression indicated cost the U. S. a large amount of money. . . . I believe that by educating the Indians and making them feel that they are men -- giving them as far as we can the rights of white men, and making them as far as possible self sustaining, and, in time, giving them representation, is the only true policy and will tend in the end not only to benefit them, but

[7]Canada. House of Commons Debates. A. M. Burgess (ed.). (Ottawa: MacLean, Roger & Co., Wellington Street, 1877), p. 1429.

[8]H. A. N. Kaulbach was a Lieutenant Colonel in the Canadian Army, a Conservative and ardent supporter of a federal union and free schools. From Nova Scotia, he was appointed to the Senate in 1872.

> from an economical point of view will be an advantage to the Dominion.[9]

The fact remained, however, that educational programs were not too successful. The day schools on the reserves experienced absenteeism to the point that any effective learning was nullified. Residential schools were more successful until the Indian returned to the reserve whereupon any lasting effects of his educative experiences were lost.[10] Many of the missionary schools were not receiving enough financial assistance to enable them to provide adequate facilities and resources.

The following comment is one of the opinions expressed in the 1880's on the problems of Indian education:

> It is found that the common schools are of comparatively little value. The young Indian learns to read and write, and then goes back to his tribe, and again becomes a savage. . . . The object is to get the young men and the children severed from the tribe as much as possible, and civilise them and give them a trade. There is also provision made for girls.[11]

[9]Canada. Senate Debates (Ottawa: Holland Brothers, 1886), p. 626.

[10]It was suggested at one point that residential schools for Indian girls be established so that the men and women from these schools could be at an equal level of education if they were, hopefully, to marry. See: Canada. House of Commons Debates. The House of Commons. (Ottawa: MacLean and Rogers Printers, 1887), p. 1094-96.

[11]Canada. House of Commons Debates. The House of Commons. (Ottawa: MacLean and Rogers Printers, 1888), p. 1681.

Similarly, the day schools were thought to be of little value.

> Children go back to their tribe without being trained in industrial pursuits and without the strength to resist the force of their former habits and the habits of their friends and after a short time they fall back to the level of the uneducated Indians. . . . We have a latent force in our Indian population, which under systematic training, might be made most useful and remunerative.[12]

It was felt by those interested in the problem that one of the primary purposes of Indian education must be to enable the graduate of the program to earn a living. The industrial schools established for the Indian were seen as the most effective part of the federal government educational program for Indians. These schools taught various trades[13] and endeavoured to "civilize" the Indian.

Girard, a Conservative and Senator from Manitoba, summarized the problem which the federal government had and was to continue to have relative to its responsibility for Indian education:

> I think these industrial schools will regenerate the Indian population, and the Government ought not to hesitate in expending money to carry out the system. It is in the interests of the public . . . in this case it is not only an act of humanity, but directly in the interest of the Dominion. We cannot much longer keep these Indians at

[12]Canada. Senate Debates (Ottawa: Holland Brothers, 1888), pp. 640-641.

[13]Including carpentry and blacksmithing.

> the public expense. . . . For the present generation, at least, and perhaps for another generation, it will be necessary to take care of them. We have kept them like children, and will have to continue to treat them so, but under the system of training at these industrial schools they will soon learn to take care of themselves, and the result will prove beneficial to the whole Dominion.[14]

While the industrial school concept was being favoured for the Indian, the value of the education programs in the military colleges was being questioned along similar lines. It was suggested in 1887, for example, that civil service positions be given to "deserving graduates". Criticism was mounting on the fact that many of these graduates were lost to Canada because they went to the Imperial or United States armies. Concern was being expressed as well that the standards of the college not be reduced in spite of the fact that it was becoming a rich man's institution -- an institution of the privileged class.

Mills, a Liberal Member of Parliament from Ontario, defended the program.[15]

> . . . so in this country the education and training of our population, whether it is civil education given for civil purposes in our schools and universities or the military education afforded in the military schools, will always turn to our advantage. These men although they leave their

[14] Ibid., p. 644. The significance of these kinds of statements was to become apparent later when the vocational concept was expanded to include other segments of the population.

[15] It was the Liberal government which established the concept and the College at Kingston.

> country, are not after all indifferent to their country which has taken an interest in them. . . . I feel . . . that in giving them a scientific military education, we are doing essential service. . . . I believe their services would be available if required; and at all events that the maintenance of this institution is the best means of affording efficient defence to this country when defence is required.[16]

Discussion continued on the program offered by the military colleges. Criticism developed over an apparent shifting of the curriculum away from a sole emphasis on military subjects to recognition of technical, scientific and engineering subjects. The suggestion was advanced that this "general" education contravened the constitution and duplicated services of provincial institutions of higher learning. Some graduates were continuing the practice of leaving the country.

1890. Indian education was a continuing subject for debate in the 1890's. Industrial schools were favoured over the residential or day schools. Involvement of the church in Indian education was generally accepted. It was suggested at one point that the state's relationship to the Indian was one of being "in loco parentis" and as such the education of the Indian should encompass many features

[16]Canada. House of Commons Debates. The House of Commons. (Ottawa: MacLean and Rogers Printers, 1887), p. 758.

including religion.[17]

So the first period of debate ended. But towards the end a new note was struck and the first indications of even greater concern for the human resources of the country became apparent.

During the 1890 debate on the Speech from the Throne, Lougheed,[18] in seconding the Address spoke of the "working class":

> Few questions of recent years have received greater prominence and attention from the leading Governments of Europe and America than the adoption of the best means for the improvement of the conditions of the working classes, particularly so far as legislation can touch the matter. Particularly on this continent, where the spirit of democracy enters into and largely controls our national institutions, thus permitting the labouring classes to make their impress felt in moulding our national character; . . . all legislation . . . invariably leads to the higher education of the masses and to an improvement of their conditions, which afterwards finds its reflex in our own national institutions.[19]

1896 to 1945

Education of the Indian and the program of the Royal Military College continued as subjects for discussion on the human resources aspect of federal aid to education in this second period. It was generally agreed

[17]Canada. House of Commons Debates. The House of Commons. (Ottawa: Queen's Printer, 1890), p. 4048.

[18]J. A. Lougheed was a Liberal-Conservative Senator from the West.

[19]Canada. Senate Debates. (Ottawa: Queen's Printer, 1890), p. 9.

that while there were deficiencies in the kind of education the Indian was receiving, the treatment afforded the indigene was better than that he would receive in the United States.[20] Opposition to the programs suggested that the relatively small benefits which accrued did not justify the expenditure. One debater concluded that it was undesirable to teach the Indian to the extent that they would be able to compete on the labour market.[21]

The military college program was criticized in terms of the disposition of graduates. Some graduates were unable to find employment; some left the country; some were unable to use the scientific and engineering knowledge they had acquired; all were educated at "great expense to the country".[22]

1908. If there was a lack of vision in the debate on the topic, it was not to last long. On February 10, 1908, it was moved in the House:

> That in the opinion of this House it is desirable that a commission of inquiry be forthwith appointed to investigate the needs of Canada in respect to technical education, and

[20] Canada. House of Commons Debates (Ottawa: Queen's Printer, 1896), pp. 2398-2399.

[21] Canada. House of Commons Debates (Ottawa: Queen's Printer, 1897), p. 4076. It was noted later on in the session that in the Northwest Territories the cost of educating the Indian exceeded that of education for white children. Ibid., p. 5000.

[22] Ibid., p. 4809.

> to report on ways and means by which these needs may be best met.[23]

Support for this motion was reported as being evident in many sources. The Trades and Labor Congress of Canada favored industrial schools across Canada to provide for the scientific stimulus which production needed and which would foster exploitation of the natural resources of the country. The welfare of the workman and employer would benefit from such institutions as would the development of the manufacturing industry.[24] The Canadian Manufacturers' Association and the Board of Trade offered similar support.

Technical training was defined as being a "matter of economics rather than of scholarship". It was seen as having a direct bearing on the quality and quantity of the manufactured product. The "development, manufacture and transport" of natural resources was to have been affected. The general trade and commerce of the country would be increased. Canada was to benefit, too, by being better able to compete among nations in agricultural, commercial and industrial pursuits.[25]

Little opposition developed around this proposal.[26]

[23]Canada. House of Commons Debates (Ottawa: King's Printer, 1908), p. 2856.

[24]Ibid., p. 2857. [25]Ibid., pp. 2858-2873.

[26]Subsequent discussion of the Technical Education Bill passed in 1919 followed along similar lines. See: Canada. House of Commons Debates (Ottawa: King's Printer, 1919), p. 852.

The debate limited itself, however, to the economic results of federal educational efforts. More than this, an effort was made to define technical education as apart from general education, as an instrument for the development of the economic welfare of both the individual and the state. No reference had been made to this point of the full development of the individual or of the federal role in relation to the ultimate potential of the human resources within its jurisdiction.

1920. Debate on this issue of federal aid continued sporadically during the two decades prior to World War II. It appeared to be characterized by response to particular needs of the people, by attacks on specific programs and by a gradual increase in parliamentary awareness of the potential of the country's human resources.

A 1924 discussion of a Research Council Bill[27] included the benefits which recipients had experienced in positions in industry as a result of this federally supported program. Some debaters doubted, however, ". . . the wisdom of this legislation" as being "largely visionary, largely ideal".[28]

[27]Subsequently passed. (See: Supra., pp. 94-95).

[28]Canada. Senate Debates (Ottawa: King's Printer, 1924), p. 858.

Concern for unemployment and its relationship to education was one of the more important items of debate during this twenty year period. Not only was unemployment of the uneducated increasing but the educated were moving in noticeable numbers out of the country. This "exporting of brains" was due in part, according to some debaters, to the lack of facilities and funds for research and for university expansion.[29] The beginnings of the debate on federal financial assistance to higher education as affecting the human resources of Canada were evident, therefore, during the 1920's even though this particular topic was not explored more fully until the decade following World War II.

1930. The problem of the unemployed was more topical, however. In 1930, the debate on the Speech from the Throne included a plea for unemployment insurance and for assistance to the provinces for relief of the unemployed. The federal government's concern for what was becoming a "national problem" carried over into the field of education - - particularly technical education. Federal action to relieve the unemployment situation was, however, in the face of the fact that such "caring for the citizens" of a province was a provincial responsibility.[30] This situation

[29]Canada. House of Commons Debates (Ottawa: King's Printer, 1926), pp. 1333-1334.

[30]Canada. House of Commons Debates (Ottawa: King's Printer, 1930 (Special)), pp. 50-51.

--federal involvement in provincial problems--was to continue as an item in the discussions of federal aid for the improvement of the human resources.

It was suggested in 1931 that technical education was a matter in which the federal government should have a "great interest and much at stake". Technical education was distinguished from the narrower interest of the provinces to deal with education as such. Bennett[31] explained further:

> We have the interest of the nation, a concern in the ability of our people to meet competition and carry our wares, our goods, our merchandise successfully into every port of the world.[32]

Opposition to these arguments within the confines of this issue of the debate were few. Concern was expressed regarding the matching grant feature of legislation of the past which forced the provinces to direct money away from other forms of education, particularly the elementary school.

A further expression of the concern of parliament for the development of the country's human resources, at a restricted level, was expressed in debate on the Frontier College. This institution, supported in part by the federal government, was to

[31]R. B. Bennett was Conservative Prime Minister from 1930 to 1935.

[32]Canada. House of Commons Debates (Ottawa: King's Printer, 1931), p. 4105.

> . . . promote education among Canadian working men and women and Canadian immigrants; . . . and To promote higher educational training and instruction for teachers and social workers among Canadian working men and women and Canadian immigrants.[33]

Debate continued sporadically to World War II. Technical education continued to be regarded as a measure to improve the skills and output of both labor and management. Discussion on education of the Indian urged greater independence for the Indian and a greater variety of technical programs. The cadet movement was criticized as being inadequate and programs of physical training were suggested for inclusion in the school curricula. The fact that graduates of both universities and technical schools were observed to be having difficulty in finding jobs suggested the larger question of how to make use of these educated people.[34]

1936. A different emphasis in thinking began to emerge, however, before the end of this period of discussion.

[33]Canada. House of Commons Debates (Ottawa: King's Printer, 1932), p. 2217. The Frontier College was a short lived concept which was designed primarily for the working class in the outlying parts of Canada. It represented a partnership of federal and provincial governments in financial support. The colleges were eventually taken over by the Ontario government -- the only province in which the Frontier College was organized.

[34]This latter problem is related to an increasing emphasis in debate on social and economic planning and research in Canada. See: Canada. House of Commons Debates (Ottawa: King's Printer, 1935), p. 329.

Prevost[35] spoke of February 11, 1936, of "good Liberal policy" during the Senate debate on the Speech from the Throne:

> Evolutions, changes, adaptations and concessions are the characteristics of politics in this country, as everywhere, resulting often in such mingling, and interminglings that sometimes lines of demarcation become imperceptible. Certain blendings of economic programmes and social reforms have given rise to such confusion that people have wondered what were the characteristic principles of the policies dividing public opinion.
>
> To ascertain that it is necessary to go back to the fundamental ideas by which minds are classified. There are men of Conservative minds and men of Liberal minds; but one must guard against judging them according to the political party to which they have been placed by circumstances, often independently of their choice. There are men of Conservative mind in the Liberal party; and there are men of Liberal mind in the Conservative party. . . .
>
> The wisest policy is that which is not doctrinaire to the extent of refusing to adapt itself to circumstances, and is not willing to sacrifice the interests of the country for a theory which too often is but Utopian.
>
> Governments must take cognizance of the needs of the people and act accordingly. It will be said that this is opportunism. Undoubtedly. But opportunism is of two kinds: one, contemptible and vile, the changing of heart and mind according to personal advantage; the other, which is of the essence of politics properly understood, a willingness to accept inevitable and honest compromises in order to reach as nearly as possible the end aimed at, which is so hard to attain at the first attempt.[36]

1939. The needs of Canadians, particularly of young

[35] J. E. Provost was a Liberal and Roman Catholic from Quebec.

[36] Canada. Senate Debates (Ottawa: King's Printer, 1936), p. 14.

Canadians,were beginning to exert greater influence on parliamentary thought and action in education during the late 1930's and war years. In 1939 an Act to provide for the training of young people to fit them for gainful employment was passed. This Youth Training Act was continued in the Vocational Training Co-ordination Act passed on July 21, 1942. A National Fitness Bill was proposed in 1944 to promote physical fitness among the people of the nation. Debate on these programs and on emerging problems in education reflected the themes of need and of urgency.

> . . . (the) problem is one which the provinces cannot solve without the assistance of the Dominion, . . . Education is one of the fundamental things of life. Home training and religious training are all to the good; but to give boys and girls a chance in the struggle for a living you must educate them, and they should be educated along lines that will make them more useful in the community. . . . Education is most important in its influence upon the welfare of our people.[37]

The second period of the debate on the effect of federal aid on the human resources of the country witnessed a search for methods of extending the education of youth for economic and production purposes. It included an examination of education as one solution to unemployment, to the welfare of the Indian and, near the end of the period, to the needs of youth generally. This latter relationship between education and the general welfare of

[37]Canada. Senate Debates (Ottawa: King's Printer, 1944), pp. 35-36.

the people was to continue into the last fifteen years of debate under study.

1946 to 1960

Early in the third period of the debate on human resources it was recommended that the Indian Affairs Branch of the Department of Citizenship and Immigration should be responsible for ". . . all educational matters . . ." relative to the Indian population, ". . . including the selection and appointment of teachers".[38] A report regarding an examination of the Indian Act was tabled in 1948. While the Act was to be considered at the next session of Parliament, it was suggested that:

> All proposed revisions are designed to make possible the gradual transition of Indians from wardships to citizens and to help them advance themselves. . . . Your committee recommends the revision of those sections of the Act which pertain to education in order to prepare Indian children to take their place as citizens.
>
> Your committee, therefore, recommends that wherever and whenever possible Indian children should be educated in association with other children.[39]

A new Research Council Bill received second reading on June 25, 1946, and was designed to expend facilities for scientific and industrial work.[40] A Veterans

[38]Canada. Senate Debates (Ottawa: King's Printer, 1947), p. 584.

[39]Canada. Senate Debates: Appendix (Ottawa: King's Printer, 1948), p. 629.

[40]Canada. Senate Debates (Ottawa: King's Printer, 1946), p. 605. See also Supra., p. 108.

Rehabilitation (University Grant) Bill was passed in 1946 as well.[41] Finally, a Vocational Training Co-ordination Bill designed to amend the Vocational Training Co-ordination Act of 1942 was introduced in the 1948 session. This bill involved the Vocational Training Co-ordination Act of 1942 and the Unemployment Insurance Act of 1940. Roebuck[42] noted in discussion of the bill and these two related Acts:

> . . . both these acts are related to the last war, which was most predominant in our minds at that time. Both of these measures are part of a long term program to meet conditions of unemployment that were vividly in our minds following the depression of the 30's. It was anticipated that at the close of the war those conditions might return.[43]

Roebuck went on to remind the Senate that the 1942 Act was brought about by the war and by the necessity of training men in and out of the armed services. He continued:

> If this proposed amendment . . . is passed it will open the way for government assistance--both by the dominion and the provinces, under agreements--to everybody, whether students or those formerly employed. . . . Authority will be given to the minister to enter into agreements with a province not only for vocational training but for pre-matriculation classes.[44]

[41] Ibid., p. 581.

[42] A. W. Roebuck was a Liberal Senator from Ontario.

[43] Canada. Senate Debates (Ottawa: King's Printer, 1948), p. 417.

[44] Ibid., p. 418.

Approval was recorded in the debates relative to these various actions of the government. Except for denunciation on the grounds, for example, that it is ". . . only those who acquire an education for themselves that amount to anything . . .",[45] reaction appeared to favor the actions of the government in providing for educational programs to improve the human resources of the country.

Positive reaction toward federal financial assistance to education began to be more inclusive in relation to the development of the human resources. Noting the importance of federal government responsibility for education, one member commented on education as ". . . a thing of the mind and spirit, a development of the personality, an appreciation of the finer things in life, the development of sound judgment and ability to analyze things."[46]

Urging the working out of a formula for creating educational opportunities for young people in Canada, Decore, a Liberal Member of Parliament from Alberta, viewed education as one of the "basics" of life:

> Nothing could be more desirable or more far-reaching than the attempt of this parliament to improve the opportunities of education for young Canadians.[47]

[45] Ibid., p. 421.

[46] Canada. House of Commons Debates (Ottawa: King's Printer, 1949 (Second)), p. 356.

[47] Ibid., p. 1328.

1950. Venoit, a Liberal Senator from New Brunswick, voiced similar views in the 1950 Throne Speech debate:

> In order to maintain the intellectual development of Canadian citizens at a high standard, it becomes increasingly evident that the federal government will eventually have to play its part and lend assistance to our universities.[48]

Along with this awareness of the wider benefits people receive from an education, points of view were changing on specific federal government educational programs as well. One senator noted in reference to a 1950 bill proposing to amend the Indian Act that:

> Without doubt the process of building the Indian to a point--it may be a long distance down the years--where he can take his place as an ordinary citizen of Canada, discharging all the responsibilities of citizenship, depends very largely for its success on the kind of education he receives.[49]

An Assistance for Higher Education of Children of Certain Deceased Members of the Armed Forces Bill elicited comments supporting the recognition of education ". . . as one of the most important functions of society".[50] These Members of Parliament who approved of the bill saw it as a measure to advance the level of education of some young people in Canada. Even expressed opposition supported the principle of the bill by suggesting that it was "very

[48]Canada. Senate Debates (Ottawa: King's Printer, 1950), p. 12.

[49]Canada. Senate Debates (Ottawa: King's Printer, 1951), p. 477.

[50]Canada. Senate Debates (Ottawa: Queen's Printer, 1952), p. 99.

niggardly" and too restrictive in that the skilled trades were being ignored.[51]

1956. Cameron, a Senator from Alberta, reviewed in 1956 the recommendations made concerning a Canada Council and related this proposed program to the subject of change and the need for "highly trained and highly skilled people". Recognizing the existence of new forms of energy and of communication, the increasing application of automation to industry resulting in an increase in leisure hours and the new developments in the sciences resulting in societal change, he continued:

> All of the developments I have mentioned have one important characteristic in common: they depend for their success upon greatly increased numbers of highly trained and highly skilled people. The source of supply is, of course, our universities and technical schools, yet it is common knowledge today that all our institutions of higher learning are suffering from a serious condition of financial undernourishment and malnutrition.[52]

Wall, a Conservative member of the Senate from Ontario, supported this point of view:

> The problem in its stark simplicity is that many Canadian school systems . . . see no present prospect of meeting reasonably and adequately the

[51]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1953), p. 4108.

[52]Canada. Senate Debates (Ottawa: Queen's Printer, 1956), p. 69. The Canada Council Bill passed during the next session was "designed to give some measure of effective encouragement to things which the Canadian people have already shown through successive generations that they believe to be of lasting value". Canada. Senate Debates (Ottawa: Queen's Printer, 1957), p. 239.

> probable educational demands of the next decade, even if we maintain a relative status quo in education. . . .[53]

While debaters in the late 1950's saw federal aid to education as an instrument to bring about a general improvement in the human resources of the country, concern continued to be expressed for specific programs. The unemployed would benefit from vocational education programs, become employed again and contribute to the economic development of the country.

Increasing agreement appeared to develop on the problem of the federally operated program of education for the Indian. The most effective method, it was suggested, of improving the lot of the Indian, was to bring these educational programs under provincial jurisdiction.[54]

University grants, as a federal contribution to higher education, were continued and expanded.[55]

Cameron, speaking in the 1959 debate on the Speech from the Throne, referred to the broader relationship of federal aid to the country's human resources and to the close relationship between "good government" and education:

[53]Canada. Senate Debates (Ottawa: Queen's Printer, 1956), p. 121.

[54]Canada. Senate Debates (Ottawa: Queen's Printer, 1958), p. 4240.

[55]See Table XII, p. 323.

> The power and the responsibility for making the decisions which determine peace or war, depression or prosperity now rest in the hands of millions of enfranchised people who by their ballots determine the kind of governments we shall have and give to those governments a mandate to legislate in a complicated maze of conflicting national and international interests. . . . And if there is one malaise in our society today that is more dangerous than any other it is the preoccupation with rights and the denial of responsibility. . . .[56]

A realization of the potential of Canada's human resources and of the responsibility of the central government in the development of these resources had been established in debate.

III. CONCLUSION

The parliamentary debate on federal aid to education as it would affect the human resources of the country reflected, generally, a positive attitude to the controversy surrounding such financial assistance. Discussions began slowly and were centered on existing federally operated educational programs. Much of the limited discussion during the first thirty years under study concerned the programs offered at the military college and in the schools for Indian children. It was agreed that the objectives of both endeavours were not being realized but few debaters appeared able to offer effective means.

The next fifty years (1896 to 1945) witnessed a change in both debate and federal action. A greater

[56]Canada. Senate Debates (Ottawa: Queen's Printer, 1959), p. 192.

sensitivity to the needs of various segments of the population was shown. Federal programs in technical and research areas were developed. The depression and the wars left profound impressions on the need for a better educated populace.

The final period of debate (1946 to 1960) included an expansion of federal aid into a greater variety of educational activities. In addition, the debate in the House of Commons and Senate expanded to include not only the limited economic and social advantages of developing the human resources but also a wider vision of the "educated man", of the social, cultural and political sophisticate. The humanistic tendencies apparent in the last years of debate reflected a greater awareness of human need and a deeper concern for man as the greatest of resources in the nation.

Those in favour of federal financial assistance to education viewed such assistance as having direct benefit to the country. Conditions of the working class would be improved. The Indian could become an active participant in the labour force. The military would be better prepared. Industry would be better served and the quality of the product improved.

It was argued, too, that the nation as a whole has a responsibility to its people for the general level of educational services. The quality of the institutions of a country can be measured in terms of the quality of its educational program. Canada would be able to compete more

effectively internationally if its human resources were improved.

The members of Parliament and Senate opposed to federal aid within the context of the effect such aid would have on the country's human resources based their arguments principally on the value received for the amount expended. It was observed that Indian education was fighting a losing battle with the influence of the reserve. It was postulated that the individual willing to sacrifice himself for an education is of more value than the one to which such a service is given freely. The detractors commented, too, on the fact that many graduates of such federally financed programs either left the country or did not use the skills they had acquired. These along with arguments concerning the difficulty a central government has in managing specific educational programs were offered in opposition to federal aid.

CHAPTER VIII

LOCAL CONTROL

> The quality of education and welfare services is no longer a matter of purely provincial and local concern. In Canada today, freedom of movement and equality of opportunity are more important than ever before, and these depend in part on the maintenance of at least minimum national standards for education, . . . The most economically-distressed areas are the ones least capable of supporting these services, and yet are also the ones in which the needs are likely to be greatest. . . . Not only national duty and decency, if Canada is to be a nation at all, but equity and national self-interest demand that the residents of these areas be given average services and equal opportunities, . . .[1]

I. INTRODUCTION

The issues of local control of education and equalization of opportunity in acquiring an education appeared opposed to one another in concept, desirable in principle and related in practice. The debate recently associated itself with federal-provincial discussion on fiscal policy. It incorporated sectional interests, national purposes, philosophical constructs and educational practices. No other issue in the federal aid debate appeared at once so explicit and yet so inclusive. The issue was implied in the discussions on Confederation and flourished in the 1950's. It represented, in part, a direct conflict in the responsibilities of provincial

[1]Canada. Royal Commission on Dominion-Provincial Relations, Book II, Recommendations (Ottawa: King's Printer, 1939), p. 128.

and federal governments. But most of all, the parliamentary debate was concerned with the balance between a local delineation of what to teach the child and a national equality of opportunity for the child to be taught.

Purpose of the Chapter

The purpose of this chapter is to record the House of Commons and Senate debate on two issues in the federal aid debate: local control of education and equality of opportunity in receiving an education. Of major interest are the discussions on the relationship between these two issues and the role of the federal government in ameliorating the apparent conflict inherent in this relationship.

The aspects of the federal aid debate recorded in this chapter in a chronological sequence include not only discussions of the relationship between the two issues but also comments on the issues themselves. Some redundancy will become apparent therefore as local control is, in part, a constitutional issue and a minority rights issue and equality of opportunity relates to the human resources and nationalism issues. But the focal point of the discussion remains on the effect each has on the other as the confrontation at the ideological, financial and political levels takes place.

Definition of the Issue

Accompanying the provincial right of exclusive

responsibility for education has been a steadily expanding need for educational services. The provinces have found that education has become a big and costly business. And it has become apparent that some provinces are better able to cope with the necessary provision of educational facilities and program than others.[2] The issue of local control, therefore, involves the ability of the province to pay for education.

Not only are the burdens of educational finance almost too heavy for some provinces, but, in addition, inequalities exist among the provinces in ability to pay. The second concomitant issue relates, therefore, to the lack of equality in opportunity for an education across Canada. Local control has brought almost unreasonable financial burdens for some of the provinces and this ability to pay varies from province to province.

The problem arises when local control (and its financial responsibilities) meets headlong against a demand for equality of educational opportunity. The latter suggests some national responsibility which appears in direct opposition to provincial rights. How might these issues be reconciled? This is the subject of discussion in the review of the debates recorded in this chapter.

[2]See Tables VII, p.318 , Table IX, p.320, Table X, p.321.

II. THE DEBATE

The two week Quebec Conference assembled on Monday, October 10, 1864. It befell Macdonald's lot[3] to direct the members through the shoals of provincial rights to any concensus on the confederation scheme. At the beginning of the Conference, Macdonald moved:

> That the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such union can be effected on principles just to the several provinces.[4]

He continued in support of his motion:

> The various States of the adjoining Republic had always acted as separate sovereignties. The New England States, New York State and the Southern States had no sympathies in common. They were thirteen individual sovereignties, quite distinct the one from the other. The primary error at the formation of their constitution was that each state reserved to itself all sovereign rights, save the small portion delegated. We must reserve this process by strengthening the General Government and conferring on the Provincial bodies only such powers as may be required for local purposes. All sectional prejudices and interests can be legislated for by local legislatures. Thus we shall have a strong and lasting government under which we can work out constitutional liberty as opposed to democracy, and be able to protect the minority by having a powerful central government. Great caution, however, is necessary. The people of every

[3]John A. Macdonald came to the Conference as Attorney-General of Upper Canada.

[4]J. Pope. Confederation Documents (Toronto: The Carswell Co. Ltd., 1895), p. 54. The Quebec Conference decided to hold its sessions without the benefit of an official record of the debate. Colonel Bernard was the executive secretary, and kept notes of the proceedings.

> section must feel that they are protected, and by no overstraining of central authority should such guarantees be overridden. Our constitution must be based on an Act of the Imperial Parliament, and any question as to overriding sectional matters determined by 'Is it legal or not?' The judicial tribunals of Great Britain would settle any such difficulties should they occur.[5]

The desire to give the provinces greater power than the states to the south appeared to have arisen from several causes. Local interest and control had to be preserved for Confederation to take place. The provinces were anxious to retain the powers which they had obtained from the Imperial Parliament.[6] The provincial governments were seen as the only local governments.

Provinces differed in their social, economic and political propensities. Elimination of these differences as a Legislative Union would do was unthinkable.

The discussions continued in the Parliamentary Debates held in Quebec in 1865. One feature of the proposed federal arrangement was a financial one. Galt, Minister of Finance of Canada, spoke in the Legislative Assembly on the subject of taxation powers:

> . . . If, neverthless, the local revenues become inadequate, it will be necessary for the local governments to have resort to direct taxation; and I do not hesitate to say that one of the wisest provisions in the proposed Constitution, and that which affords the surest guarantee that the people will take a healthy interest in their own affairs and see that no extravagance is committed by those placed in power over them, is to be found in the fact that those who are called upon to administer public affairs will feel, when

[5] Ibid., pp. 54-55. [6] Ibid., pp. 84-87.

> they resort to direct taxation, that a solemn responsibility rests upon them, and that that responsibility will be exacted by the people in the most peremptory manner. . . . Indeed, I do not hesitate to say, that if the public men of these provinces were sufficiently educated to understand their own interests in the true light of the principles of political economy, it would be found better now to substitute direct taxation for some of the indirect modes by which taxation has been imposed upon the industry of the people.[7]

Brown, President of the Executive Council, welcomed Confederation as a way of providing for sectional interests by allowing them to be within the power of the provincial legislature.[8]

One member of the Legislative Council suggested that direct taxation would not be necessary because of the limited expenses of the provinces.[9] Another suggested on the topic of federal-provincial powers:

> I take it for granted that British subjects of French Canadian origin generally . . . desire large power for the local government -- in fact they would desire the local governments to be the real governments, and that the Federation should be very much nominal, for very minor purposes, and with very weak powers in the Central Government; while, on the other hand, the English population of Lower Canada would take the opposite view and desire larger powers in the Central government and smaller powers in the Local Government. . . .[10]

These comments serve to illustrate the controversy

[7] Confederation Debates (Quebec: Hunter, Rose and Company, Parliamentary Printers, 1865), p. 68.

[8] Ibid., p. 95. [9] Ibid., p. 207. [10] Ibid., p. 224.

surrounding the position of the provinces prior to Confederation. A federal system was finally adopted over the protests of those favoring a legislative union.[11] The British North America Act represents, in its sections on federal and provincial powers, a compromise but with the intention

> . . . that all matters of a general or national importance should be entrusted to the general legislature and that all matters of merely local significance should be confided to the local legislatures.[12]

A second feature of the Confederation deliberations was an apparent reluctance on the part of some of the debaters to accept the fact that the provinces might grow and be required to expand services. This attitude is reflected in the comments relative to direct taxation.

Thirdly, the birth of a central government brought with it a federal-provincial financial relationship. It was agreed that the debts of the provinces would be taken over by the central Government and that grants would be paid to the provinces for certain assets which would come under federal jurisdiction.[13] Early in the history of Confederation, therefore, there was established a degree of financial dependence on the central government.

[11] A further scheme was also suggested. Called the "family compact", it suggested relatively autonomous provincial governments agreeing to unite on certain matters of common interest and benefit.

[12] D. G. Creighton, British North America at Confederation. A Study Prepared for the Royal Commission on Dominion-Provincial Relations (Ottawa: King's Printer, 1939), p. 49. See also Appendix A, p. 326.

[13] The British North America Act, Sections 108 to 126 inclusive.

Finally, the relationship between central and provincial governments in education was clearly delineated in Section 93 of the British North America Act.[14] The central governments's sole function was to protect minorities from provincial oppression -- a role which was in part a recognition of provincial rights in education and in part a comment on the relationship of the province to the more powerful federal government.

These qualities of Confederation were destined to effect federal-provincial relations throughout the ninety-three years under study.

1867 to 1896

Provincial control and responsibility for education was tested early and frequently in the early years after Confederation. The New Brunswick School Question[15] focused attention on the power of the province relative to minority rights in 1872. The central government supported the decision of that province to prohibit the establishment of separate schools.

Macdonald, then Prime Minister, reiterated the agreement at Confederation respecting provincial rights.

[14] Appendix A, p. 326.

[15] Supra., Chapter VI.

> It was known to everyone that the question of education had threatened Confederation at its very conception, and a proposition that Education should be left to the General Legislature of the Dominion would have been enough to secure the repudiation of Confederation by the people of Lower Canada, and it was therefore expressly provided in the Act of Union that the question should be entirely left to the different Provinces with the provision that wherever there was a separate system in force that system should not be interfered with, and that any denomination which had secured at the time of the passing of the Act, or which might at any time thereafter, by the Act of the Local Legislatures secure any privilege, that privilege should not be affected by any Act of the Local Legislature, and that if any attempt was made by that Legislature to set aside such privilege it would be void, and the Governor General was empowered to see that this was carried out.[16]

Educational finance appeared as a problem as well. Concern was expressed in the House of Commons and Senate on the ability of the provinces to honor their economic responsibilities. During the depression of the 1870's, the question was brought into focus. There was obvious expansion economically in the provinces. At the same time some mistrust at the federal level was apparent regarding provincial methods of financing their expanding role. Cartwright, a Conservative from Ontario and Minister of Finance, spoke in the House of Commons in 1878 on the subject:

> No one can have looked carefully at the vast increase which has taken place, and which is taking

[16] Canada. Parliamentary Debates (Ottawa: Ottawa Times Printing and Publishing Company, 1872), p. 199. In 1875, however, the federal government asked the Queen to influence New Brunswick to change its decision. Canada. House of Commons Debates (Ottawa: C. W. Mitchell, "Free Press" Office, Elgin Street, 1875), p. 634.

> place, in the amount of our municipal taxation, particularly in towns and cities, without being aware that there is very considerable risk that the almost unlimited power for the purposes of direct taxation that has been granted to those bodies will be grievously abused.
>
>
>
> I say that city populations are especially unfitted to be entrusted with such very large powers. The country populations, . . . do generally manage their affairs with great economy and discretion; but I am sorry to say that . . . our own experience would not warrant us in bestowing any such powers on our civic municipalities should [sic] be rigidly restricted, and that I believe it will be found far truer in principal and far more conducive to their real interests, if they were confined to taxing certain subjects strictly selected.[17]

1883. Further evidence of provincial need for more money and of the concern of the federal parliament over provincial ability in handling this money was apparent in discussions over land grants.[18] The federal government jealously guarded its control over the land granted for educational purposes believing that it was in the interests of all concerned that these lands be rigidly controlled. Macdonald spoke on the subject in 1883:

> Representations have come from the Province of Manitoba, and very naturally from the Government of that Province, that the school lands of Manitoba should be handed over to them for their management. Hitherto the Government have not seen their way to go so far. That Province is large and its population small; and the temptation to deal with that magnificent grant for

[17] Canada. House of Commons Debates (Ottawa: MacLean, Roger and Company, 1878), p. 435.

[18] See Supra, pp. 79-84.

> present purposes to meet present exigencies is very great; and the Government think -- and I may here mention that the course of the Government met with apparent approval during the last Parliament -- they ought not to denude themselves of this sacred trust, handed over to them as trustee for this great fund for the education of the people in the illimitable future; so that the policy of the Government hitherto has been, in the Province of Manitoba, to dispose of this land, the proceeds of which are funded as the law provides, in Government securities, and the annual interest or increment is handed over from year to year to the Province of Manitoba for educational purposes. The fund being intact, the fund continually growing, and the interest annually being handed over to the Province for the purposes of education, I think that it is in the interest of Manitoba itself, I think that it is in the interest of the great North-West, that this magnificent provision for education should be rigidly preserved, . . .[19]

Opposing arguments were many. Most included, however, a discussion of expanded services and limited funds in the provinces. Royal, a Conservative from Manitoba, followed his Prime Minister in the 1883 debate to note:

> . . . but in addition to the common schools, which are and have been entitled to share in this fund, I think that some provision should also be made for higher education. The Manitoba university has been now in existence for some six years. The funds at the disposal of the Local Government are very scanty. They have only a small pittance, and while the wants of the Province are daily increasing, the Government have only a fixed allowance to depend upon; therefore in this, as in many other cases, the Local Government have been placed in the impossibility of doing anything to further the interests of such an institution.[20]

The question of turning school lands over to the

[19]Canada. House of Commons Debates (Ottawa: MacLean and Roger Printers, 1883), p. 862.

[20]Ibid., p. 868.

province was thus discussed and finally left over "until the next session". Subsequent debate in 1885 on a proposal to give Manitoba swamp lands for the financing of the university raised the question of federal management of a fund for provincial constitutionally approved educational activities. Debate in the Senate included the argument that

> . . . it is a matter of prime importance that the position of the different provinces shall be well established and well maintained. . . . The usual result of encrochments on any of those privileges is that the population commence to consider the subject of withdrawing from the Union.[21]

1892. Other questions developed around provincial control and the ability of the "local legislature" to honor this commitment. The doctrine of provincial rights and control of education was advanced and formed the basis for legislation relative to the North West Territories.[22]

The question of federal grants to church operated schools for Indians was a continuing one in these early years of union. It was suggested by some debaters that apart from the church-state issue, grants to any institution for educational purposes should be subject to supervision. O'Brien, a Conservative from Ontario, explained:

[21]Canada. Senate Debates (Ottawa: Holland Brothers, 1885), p. 21.

[22]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1892), p. 3062.

> I think that is a condition that should attach to every public grant for educational purposes. What has given rise to so much objection to these grants is that there is no guarantee that the money given by the state . . . is properly expended. . . . that where the government grants assistance, . . . it should be accompanied by public supervision, and of course that principle applies with all the greater force where the money is placed in the hands of persons who are not under Government control. Therefore I think the Government would be doing right in establishing a careful and efficient method of supervision, so that the state may see that the money it gives is properly expended, . . .[23]

Other events affected provincial control during this first period of the debate. The provinces and the federal government became embroiled in the controversy surrounding minority rights.[24] This controversy strengthened the position of the provinces and appeared to sharpen, in theory at least, the federal-provincial division of powers regarding education.

In these first thirty years as well, each province was operating its system of education without any appreciable assistance from the central government.[25] In addition, the federal government conducted clearly defined educational activities. While these programs in Indian education and the military college along with the

[23]Canada. House of Commons Debates (Ottawa: Queen's Printer 1893), p. 2100.

[24]Brought into focus by the Manitoba School Question. See Supra., Chapter VI.

[25]Except for land grant revenue and general subsidies to the provinces -- both from the federal government.

control of educational land grants were conducted within provincial and territorial boundaries, the responsibility for control was centered in Ottawa.

But problems had arisen around provincial control. The parliamentary debates before and after Confederation indicated that the promise of limited provincial activity of the pre-Confederation deliberations were belied in fact in subsequent years. The provinces found themselves confronted with expansion and with limited resources to meet the demands of this growth. In addition, as the provinces sought to satisfy their immediate needs, federal concern was expressed as to the methods employed.

It became clear, therefore, that total provincial responsibility for education could not be honored financially. It also became clear that federal assistance would not come easily nor without some measure of control. The need for expanded services was being met with limited funds. The major source of any possible assistance was viewed through constitutional impediments, through provincial bias and through a governmental reluctance to become involved.

1896 to 1945

One of the first tasks of the Laurier administration[26] was to solve the problem in Manitoba. Partly

[26]The Eighth Parliament began on August 16, 1896.

because of this, the Liberal Prime Minister sought early to involve provincial premiers in the affairs of the Dominion Government. Conservative party opposition to this move centered mostly on the belief that a working federal system of government depended upon the autonomy of the central and provincial governments. It was proclaimed that each government should be absolutely independent in the management of its own affairs.[27] That this situation could not exist and in fact developed in the opposite direction is a matter of history. It is also one of the major subjects of the federal aid discussions on local control in the period 1896 to 1945.

The reluctance of the federal government to turn school lands over to Manitoba continued into this period of debate. It was agreed generally that when that province "became larger and better able to administer the fund" the control of the land grants would go to Manitoba. Opposition to this government policy centered on the "right" of the federal government to control funds used to support a local jurisdiction project. Power, some noted, is thus placed in the hands of the central government to frustrate and defeat provincial endeavours.[28]

The federal government was continuing to subsidize the provinces as well. In the 1903 Throne Speech

[27]Canada. Senate Debates (Ottawa: Queen's Printer, 1896 (Special)), p. 286.

[28]Canada. Senate Debates (Ottawa: Queen's Printer, 1898), pp. 1283-1284.

debate, Miller[29] pointed out that the Speech was silent on the subject of provincial subsidies. He decried the increases "which must be raised either by increasing the public debt or by increased taxation."[30] He continued:

> But the cry all round is for more money -- more subsidy, and hence the organized raid of the provincial premiers on the federal treasury.[31]

1906. This debate on the financial terms which existed between the dominion and provincial governments was to continue to the end of the period under study. In 1906, the Speech from the Throne included the statement that:

> A united application having been received by my ministers from the governments of the several provinces asking for an increase in the provincial subsidies, a conference was recently held when the reasons for granting additional aid were fully set forth and discussed.[32]

Laurier, in support of a motion to amend the scale of payments to the provinces, noted that Section 64 of the Quebec resolutions[33] allowed for grants to

[29]W. Miller was a Conservative Senator from Ontario.

[30]Canada. Senate Debates (Ottawa: King's Printer, 1903), p. 32.

[31]Ibid.

[32]Canada. House of Commons Debates (Ottawa: King's Printer, 1906-7), p. 5.

[33]64. In consideration of the transfer to the General Parliament of the powers of Taxation, an annual grant in aid of each Province shall be made, equal to 80 cents per head of the Population as established by the Census of 1861, the population of Newfoundland being

provinces in exchange for taxing powers for the dominion government.[34] This section was a compromise for Quebec which had refused to resort to direct taxation to raise revenue. He observed, too, that the door for renewed negotiation had remained open since Confederation.[35]

The Prime Minister went on to review briefly the history of dominion-provincial fiscal relations. He suggested that whatever the reason for financial negotiations at Confederation these arrangements have been changed continually since. The "final" solution was to have been embodied in Section 118 of the British North America Act.[36]

estimated at 130,000. Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half-yearly in advance to each Province. J. Pope, Confederation Documents (Toronto: the Carswell Co. Ltd., 1895), p. 51.

[34] Canada. op. cit., p. 5292.

[35] Ibid., p. 5297.

[36] 118. The following Sums shall be paid yearly by Canada to the several Provinces for the Support of their Government and Legislature:

Ontario	Eighty Thousand Dollars
Quebec	Seventy Thousand Dollars
New Brunswick . . .	Fifty Thousand Dollars
Nova Scotia	Sixty Thousand Dollars
	Two hundred and Sixty Thousand Dollars

and an annual Grant in aid of each Province shall be made equal to Eighty Cents per Head of the Population as ascertained by the Census of One thousand eight hundred and sixty-one, and in the Case of Nova Scotia and New Brunswick, by each subsequent Decennial Census until the Population of each of those two Provinces amounts to Four Hundred thousand Souls, at which Rate such Grant shall thereafter remain. Such Grants shall be in full Settlement of all future Demands on Canada,

But in 1873 every province received a new allowance. A special grant went to Manitoba in 1876 and, in 1878, that province received a further ten thousand dollars in support of education. A special grant and a revision of fiscal terms took place in Manitoba in 1879 and 1882 respectively. In 1884, all the provinces received a special allowance as a result of a new adjustment in the public debt and in the same year Quebec obtained a special grant for railway building. Other grants were given to Manitoba in 1885 and 1898, and to Prince Edward Island in 1887 and 1901.[37] Laurier continued:

> The remarkable thing about these grants is that they have occurred again and again but without any plan or overall purpose.[38]

It was because of this problem, Laurier noted, that dominion-provincial conferences had been held in 1887, 1902 and in 1906. Each of these conferences had endorsed some similar plan as was being proposed in the 1906-7 session.

Opposition to the proposal to revise the conditions of Section 118 of the British North America Act was strong. Foster, a Conservative Member of Parliament from Ontario, agreed that changes were probably necessary

and shall be paid half-yearly in advance to each Province: but the Governments of Canada shall deduct from such Grants, as against any Province, all Sums chargeable as interest on the Public Debt of that Province in excess of the several Amounts stipulated in this Act. British North America Act, Section 118.

[37]Canada. op. cit., p. 5297. [38]Ibid., p. 5298.

but these must be based on an examination of provincial operation. He continued:

> Every province is quite willing to get an extra slice from the Dominion treasury if the Dominion is willing to grant it, but when the provinces come together as a whole and make demands on the Dominion treasury, then the Dominion should see to what extent these demands are due to extravagances of the worst kind and a failure on the part of the provinces to make the most of their own financial resources. If, however, whenever a province gets into deep water financially, we are going to come to its relief, we are putting a premium on provincial extravagance and mismanagement.
>
> . . . It seems to me that some guards might have been placed. Dit it ever occur to the Government . . . that when you have a spending power that is not under obligation to find the means it spends, you have a spending power that is more likely to tend to extravagance rather than to economy.[39]

Fielding, Minister of Finance, answered this criticism:

> It is necessary for us to grasp firmly the principle upon which these subsidies were granted, and the principle upon which we are proposing to enlarge these subsidies to-day. It is essential that we shall remember that the Dominion was made from the provinces and not the provinces from the Dominion. If we had had one great country with a legislative union and if we had afterwards deemed it wise to divide that country into a number of provinces and to create a federal system, then the central power would have had the right to determine what should be the rights and privileges assigned to the local authorities. But the condition of things was reversed. The provinces existed before the Dominion, the provinces had to be brought together in order that the Dominion might be formed, and the provinces had the right to determine the terms and conditions upon which the Dominion should be created.[40]

[39] Ibid., pp. 5314-5317. [40] Ibid., p. 5322.

This discussion on dominion-provincial fiscal relations centered on provincial need, constitutional interpretation and historical analysis. It reflected an inability of the provinces to carry their responsibilities without federal assistance. It reflected, as well, an awareness that the plans at Confederation were not consistent with ensuing events.

1930. Subsequent activity in and controversy over the issue of local control featured, to 1930, federal grants for technical education, general assistance to the provinces in the form of subsidies and a review of land grant legislation. This latter problem was solved in 1930 when, as a result of federal-provincial agreement and recommendations of the 1926 Royal Commission study, natural resources were transferred to the provinces.

Prime Minister Bennett moved on September 12, 1930, the second reading of a bill designed to appropriate twenty million dollars to the provinces for the relief of unemployment. Recognizing that caring for the citizens of a province is a provincial responsibility, Bennett expressed the hope that this would be "infrequently" a national problem. The federal government was to keep a record of expenditures but local authorities had complete freedom to spend the money as they saw fit.

King, Leader of the Opposition, agreed with the

principle of federal relief of the unemployed but questioned the method by which the money would be deployed. In support of his position he quoted from Durell, The Principles and Practice of the System of Control over Parliamentary Grants:

> "The bedrock on which the English system is built is the principle of the maintenance by parliament of control over grants which it makes.
>
> The supreme control of the Commons over public grants, as already mentioned, necessarily demands the complete right of control over the manner in which those grants are spent. This second right must be inseparable from the first if the control over the grants is to be effective; . . ."[41]

King added further support to his stand by quoting Cahan, Secretary of State during the Fifteenth Parliament, who noted in a 1926 debate on this same general topic:

> "I suggest . . . that in the recent political life of this country we have proceeded altogether too far in the way of cooperation between the federal government and provincial governments in respect, for instance, to road appropriations which are within the proper jurisdiction and control of the local legislatures. . . . When provincial legislatives are expending moneys which are not raised on their own credit and responsibility is that of expenditure, it leads to wasteful expenditure and very wide latitude indeed in the making of those expenditures."[42]

Discussion continued on the fiscal relationships of the central and provincial governments during a 1931

[41] Canada. House of Commons Debates (Ottawa: King's Printer, 1930 (Special)), p. 163.

[42] Ibid., p. 164.

consideration of a Vocational Education Bill. This measure was agreed to by Mackenzie King in principle but he objected to the method of awarding the proposed grants to the provinces. Calling for provincial taxation and subsequent per capita federal grants if needed for the specific task of providing vocational education programs, he went on to explain:

> . . . if a new custom is to be permitted to grow up whereby this federal parliament is to make grants to the different provinces for all kinds of purposes, grants which are conditional upon agreement with the provinces, grants conditional upon the provinces undertaking work which possibly many of them would hesitate to undertake but for the financial aid being granted, I submit we will soon come into a very serious situation in the relations between the Dominion and the Provinces with respect to finances.[43]

Referring to the financial arrangements at Confederation, King suggested that these were arrived at so that the executives of the provinces would not be rendered independent of their legislatures. It had been agreed prior to 1867 that federal subsidies would prevent the granting government effective control of public expenditure. It was thought then that federal grants to provinces prevented the operation of responsible government at the provincial level. The province would be able to spend public money without being responsible for raising it through taxation.

[43]Canada. House of Commons Debates (Ottawa: King's Printer, 1931), p. 1960.

He continued by quoting from a McGill university Economic Study:

> "In the course of the debates on Confederation in the parliament of the province of Canada, Mr. Dunkin, in opposing the subsidy principle, declared: 'I am afraid the provincial constituencies, legislatures, and executives will all show a most calf-like appetite for the milking of this one most magnificent government Cow.'" . . .
>
> "'With one accord the provincial governments will, in a quiet way, want money, and the provincial legislatures and the people will want it more; grants for roads, for bridges, for schools, for charities, for contingencies of the legislature -- for all manner and ends they will be wanting money, and where is it to come from? Whether the constitution of the provincial executive savours of responsible government or not, be sure it will not be anxious to place itself more under the control of the legislature or to make itself more odious than it can help, and the easiest way for it to get money will be from the general government.'"[44]

Woodsworth[45] recognized changing conditions and the need for vocational education. He labelled King's speech as being part of the Liberal policy of "retrenchment and reform":

> Let me remind the house that since confederation we have had subsidies to the provinces. . . . confederation itself was founded on what he would term the vicious principle of the collection of moneys by the federal authorities and the turning over of these moneys to the provinces. Further, it has been a sound and well-recognized principle in British finance that certain higher authorities would give "grants in aid" to other organizations, and it has been lauded as a very satisfactory arrangement. We have had provincial grants in aid

[44] *Ibid.*, p. 1962.

[45] J. S. Woodsworth was a member of the Manitoba Independent Labour Party and was first elected to the House of Commons in 1921.

> of municipalities, we have had provincial grants in aid of school boards. In short, grants in aid have become a commonplace, and in carrying out this idea of the federal government giving grants in aid of vocational education we are but carrying out an arrangement that has frequently been practised by the British government, and by the federal government ever since confederation.[46]

These arguments appeared to represent the major aspects of the controversy in the early 1930's. The questions of government control of expenditure, of provincial responsibility for services and of the relationship between governments were to continue unanswered. Discussion of social service commitments in 1932 included exchanges on dominion-provincial financial relations.[47] Subsequent years to World War II witnessed a reiteration of provincial need, federal wariness and undefined relationships.

1939. World War II brought a closer solidarity between the provincial and federal governments. The report of the Royal Commission on Dominion-Provincial Relations[48] had been digested and was being considered "in a spirit

[46] Ibid., p. 1968.

[47] Canada. House of Commons Debates (Ottawa: King's Printer, 1932), p. 1619.

[48] The sitting of this Commission was one outcome of the long debate on dominion-provincial relations during the thirties. It reflected an awareness on the part of Parliament of a need for study and definition in this area of debate.

of justice and equity".[49] In 1942, a Dominion-Provincial Taxation Agreement permitted the federal government to take over personal income and corporation tax fields "for the duration of the war".[50]

Parliamentary debate from 1896 to 1945 included provincial demands for some form of federal financial assistance. It encompassed an awareness of the relationship of grants and control of their use. It provided an examination of relationships between governments. The federal government was not to expand its financial assistance role in education until the decade of the 1950's. Similarly, provincial control of expenditure was not to be more fully defined until the post-war period. And to furnish impetus for this increased assistance and this definition of control there appeared the concept of equalization of opportunity in education.

1946 to 1960

On October 19, 1949, Knight, C.C.F. Member of Parliament from Saskatoon, moved the following resolution:

> That, in the opinion of this house, the government should take into consideration means of expanding and equalizing educational opportunity across Canada by the granting of financial assistance to the various provinces for that purpose.[51]

[49] Canada. Senate Debates (Ottawa: King's Printer, 1940), p. 12.

[50] Canada. Senate Debates (Ottawa: King's Printer, 1940-1942), pp. 174-178.

[51] Canada. House of Commons Debates (Ottawa: King's Printer, 1949 (Second)), p. 931.

Expressing the firm belief that the federal government must accept some responsibility for education and noting that "Canada is the only part of the British Commonwealth in which the central treasury does not provide to the extent of at least fifty per cent for the education of the children,"[52] Knight went on to speak of "social justice":

> What I hope to say today is predicated upon the principle of social justice that every child should have as his birthright in Canada a measure of education. This, as it were, puts a floor under a child's training, a certain minimum to which every child should be entitled, by law. One must admit that there is inequality in this regard. One finds a wide divergence in educational opportunity as one travels across Canada. I shall not weary the house by placing on record many statistics; the matter has been debated before in the house and it is one with which I believe most hon. members are familiar.[53]

The inequality in provisions for education was attributed to varying resources and ability to pay among the provinces. This inequality had to be overcome in education -- an area of public and national concern.

> The idea is simply that we would like a floor placed under education; that we want the federal government to guarantee to every child born in Canada . . . a certain minimum education.
>
> Federal aid for education is a need born of a shift in taxation. Meeting this need may involve fiscal control safeguards in the spending of funds from the federal treasury -- but not policy control. . . .[54]

This resolution, and other similar ones in the

[52] Ibid., p. 933. [53] Ibid., p. 932. [54] Ibid., p. 935.

years to follow, represented a provincial need in education with a different emphasis. Discussion in the House of Commons and Senate in the last decade to 1960 concerned itself, therefore, not so much with establishing financial inability on the part of the provinces to meet demands nor with ascertaining which "right" belonged to which government, but with the best means of mobilizing local and national resources to meet the needs of education. The methods receiving most of the attention of debaters were composed of federal-provincial co-operative agreements.

Following Knight's proposal, Drew, Conservative Leader of the Opposition, reminded the House that the resolution was part of a larger problem of dominion-provincial relations. He called for a dominion-provincial conference to consider the financial picture in total. He went on to speak of grants without control, of the need for highly qualified teachers, of the Canadian Education Association as providing for provincial co-operation. He continued:

> I have taken the time to review these things only to impress the fact that, along with these vastly increasing opportunities, will come vastly increased expenditures on the part of every school board in every part of Canada. For that reason I believe it is important that the provincial departments of education be assured of that measure of financial support which is necessary to bring to reality the desire . . . that real equality of opportunity in education shall be extended to all Canadians, no matter

> where they live or what the material circumstances of their parents may be.[55]

1950. The subject of control of education continued in this post-war period. Knight, speaking to a 1950 resolution on equality of opportunity quoted from the Canadian Bar Review:

> "Certainly no constitutional principle prevents the federal government from evolving and initiating educational plans of this type. For such plans do not mean federal legislation on the subject of education itself, but rather the formulation of methods of financial assistance to existing forms of provincial education. The control over the organization of schools and the choice of curricula remains provincial."[56]

In the Senate, Robertson, a Liberal from Ontario, noted in the Throne Speech debate the desirability of increased facilities in education and suggested that provincial demands for federal grants rested on this expansion. He suggested further:

> Inevitably this subject revolves around the question of cost, and that brings it home to governments, for education, at least primary education, is in general the responsibility of governments. A point that always presents much difficulty is whether the home owner as such should be taxed more or less than other classes in the community for the support of education.[57]

[55] Ibid., p. 945.

[56] Canada. House of Commons Debates (Ottawa: King's Printer, 1950), p. 2698.

[57] Canada. Senate Debates (Ottawa: King's Printer, 1950), p. 25.

Support for the concept of equality continued. Doone, a Liberal Senator from New Brunswick, expanded on Knight's concept.

> The collective determination of all governments should direct the educational policy of this country to the end and purpose that no submarginal areas should endanger or lower the average of educational benefits and facilities. In justice to and having respect to factors mentioned, I am firmly in support of dominion government aid on a per capita pupil basis.[58]

1953. The subject of federal aid began to appear as a separate item in the record of debates in the early 1950's. In support of his own resolution, Knight spoke again in January, 1953:

> Now, sir, I suppose it is a condition of our history that most of the aid which has been given by this government to education in this country has been extended in a rather underhanded and furtive manner. . . .[59]

Denouncing the "political issue" which some had attached to this topic, Knight anticipated a long speech by Garson, Minister of Justice in the Liberal administration on the subject of provincial responsibility. Referring to the 1939 Royal Commission on Dominion-Provincial Relations and to succeeding dominion-provincial conference deliberations, Garson noted that ". . .

[58]Canada. Senate Debates (Ottawa: Queen's Printer, 1952), p. 99.

[59]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1953), p. 1315.

the desire and the objective was to place all of the provinces in a position where they would be able to discharge their constitutional responsibilities. . . ."[60]

He continued by quoting from the Sirois report:

> "We have already said that the instruction of the young during their formative years is a matter which the provinces must continue to control (subject, of course, to the safeguard for religious minorities provided in the British North America Act and amendments). A free hand in something so important to the social and cultural life of the people seems to us to be vital to any provincial autonomy worthy of the name, and it is obvious that any attempt to alter the existing arrangements would meet with powerful opposition and would provoke profound resentment."[61]

Garson referred to university grants[62] and found no analogy between these funds and grants earmarked for primary education to the provinces. He quoted again from the 1939 Commission report:

> "Many representations have been made to us that financial help should be extended by the dominion to the provinces for various purposes, such as scholarships, technical training. grants to be used for general educational purposes provided that the provinces did not reduce their own expenditure on education. These representations appear to have been inspired largely by consternation at the reductions in educational expenditure which certain provinces, under the stress of the depression, have felt compelled to make. It has even been contended that the dominion is bound to see that there is equal educational opportunity (as far as is practicable) for every Canadian child. We have the deepest sympathy for these views which have been advanced by many of the organizations

[60] Ibid., p. 1320. [61] Ibid., p. 1321.

[62] See Table XII, p. 323.

most closely associated with education in Canada, and we share to the full the regret that, especially in recent years, education has been terribly neglected in many of the poorer parts of the country and that wholly disproportionate sacrifices have been imposed on those who have devoted their lives to this important public service. But the representations appear to us to go too far in denying the right of each province to decide the relative importance of expenditure on education and expenditure on other competing services. It is our hope that provision can be made for the fiscal needs of all provinces, including within those needs provision for the education of the young. Our financial proposals aid at placing every province in a position to discharge its responsibilities for education (on a scale that is within the means, of the people of Canada) if it chooses to do so."[63]

". . . does he think," Garson continued:

> that the Minister of Finance can just write out a cheque and say, "Here you go; you do not have to run your primary education. You do not have to take the responsibility for the expenditure of the money. Just go ahead and spend the money, and we will not take any further notice of the matter, at all."
>
> He cannot do that. If he did, he would have to see that the money which was earmarked for primary education was spent for primary education. And I say again that in any of these schemes people who are said to know something about this matter have been opposed to earmarked grants. And one of the reasons is that it is only when you give a general grant that is not earmarked, a grant to be spent by the province as it, in its own judgment and within its own jurisdiction, chooses to spend it, that you are protecting provincial autonomy.[64]

Two arguments emerged, therefore, in opposition to federal assistance to education. The first suggested that the provinces have the responsibility for education and should be placed in a financial position to honor

[63]Canada. Op. cit., p. 1321. [64]Ibid., p. 1326.

this themselves. The second argument noted that with federal money comes control of expenditure -- something foreign to Canadian law, practice or desire.

These two concepts were seriously considered in ensuing discussion and appeared instrumental in determining plans of action.

Further discussion in 1953 included a reiteration of areas of inequality, the need for more money for educational services, the absence of control in the university, vocational and other federal grants to education and the desirability of paying for education as close to "home" as possible.

Drew, Conservative Leader of the Opposition, added in debate:

> I believe that one of the most important responsibilities of the combined levels of government at this time is to find a way in which the heavily burdened municipal taxpayer will be relieved of the crippling burden of taxation for education and health at the municipal level, which at this time must be placed so largely upon homes and real property.[65]

Shaw, Social Credit Member of Parliament from Red Deer, Alberta, noted that support for the resolution on equality of educational opportunity was growing across Canada. Opposed to any interference with provincial autonomy he continued:

> It is an established fact, the constitution to the contrary notwithstanding, that the prov-

[65] Ibid., p. 1328.

> inces and the federal government have been able to get together, even where these fields of jurisdiction existed, to permit the federal government to make grants to the province [sic] to enable them to do certain desirable things. And it could be done just as effectively and as easily in this field as in the field of national health and welfare.
>
>
>
> Under the division of constitutional authority and responsibility as it existed at the time of confederation things may have been reasonably fair. But as the years have gone by greater and greater responsibilities have been placed upon the shoulders of provincial and municipal governments. It is my conviction that where responsibility exists there should also exist the authority to carry out that responsibility.[66]

These comments were supported by Noseworthy, C.C.F. Member of Parliament from York South:

> While these large sums can be spent for youth training, apparently without any interference with provincial rights, if one suggests the making of grants to secondary or primary academic schools, then there is the suggestion that in some mysterious way there will be some interference with provincial control of education.
>
>
>
> Then in the last three years we have provided nearly $4 million in payments to provinces by way of capita expenditure on vocational schools. For the life of me I cannot see the difference between providing money to build vocational schools which train plumbers, automobile mechanics and the like, and making grants to schools that provide training so that one may become a lawyer, a doctor or a school teacher. These are some of the subterfuges we have to accept so that the federal government may make grants for education without, at the same time, appearing to interfere with provincial rights.

1956. The discussion appeared to continue in like vein in ensuing years. The problems were becoming more

[66] Ibid., pp. 1333-.334. [67] Ibid., p. 1340.

acute and more clearly defined. Wall, a Conservative Senator from Ontario, contributed an important statement to the debate in 1956:

> The problem in its stark simplicity, is that many Canadian school systems--primarily at the local or municipal, but also at the provincial levels--see no present prospect of meeting reasonably and adequately the probably educational demands of the next decade, even if we maintain a relative status quo in education and make no provisions for the necessary improvements in our physical plants, equipment and supplies, overcrowded classrooms, educational services, and the scarcity of well qualified teachers.
>
>
>
> The continuance of real property taxes as our main source of school revenues can be justified only if ownership of such property is a valid measure of the ability to pay for education, which assumption is no longer true today when wealth exists in new forms and personal property is largely invisible and untappable by local tax authorities. Neither is the local property tax regarded as a valid instrument for adequately distributing the cost of educating our children. These considerations, together with the fact that real property taxes are narrow and inelastic to burdensome new demands, have forced local educational authorities to ask provincial governments to assume a larger share of educational costs.
>
> The problem of increasing provincial grants to education could be regarded as an internal, autonomous, provincial problem if we could be certain that each and every province does have the available financial resources to meet these requests now and in the foreseeable future. But some provinces state, quite bluntly but sincerely, that this is not the case--that they do not have the available financial resources to carry out their constitutional responsibilities and to provide a reasonable level of provincial services, even though the proposed tax-rental payments to these provinces have been adjusted and revised upwards.
>
> Hence the increasing insistence on the federal Government's responsibility to participate in the equalization of educational opportunities across the country, perhaps on a shared-cost or joint-financing basis--and after mutual agreement. At the Dominion-Provincial Conference held in October, the Premier of Manitoba stated the considered position of my province in these words:
>
> "On the subject of education, it is our conviction that equal opportunities should be

available to all Canadian children, regardless of the economic circumstances of individual provinces. Attainment of this objective is almost impossible without some form of federal assistance. We believe that such assistance can be given without encroachment on provincial constitutional rights. General grants could be made without restricting the manner in which the grant was to be applied by the province other than to stipulate that it must be used for educational purposes."

We understand that our taxation structures and their attendant revenue-apportioning schemes are the realistic expression of many legal, social, and historical forces, resolved at this moment in a particular financial program which is characterized by a variety of compromises. Admittedly these compromises must be made when we collect, apportion, or expend our revenue resources. However, all these compromises must be complementary to and overshadowed by an overall national purposing, leading to concerted action on a Canadian-wide basis in areas of common concern. Surely, one of these areas of common concern is our national interest in the adequate development of one of the most important national resources we have--the human resources potential of our Canadian children. . . .[68]

The controversy continued to 1960. The various aspects of the confrontation of local control with increased need for funds and the pressure for equalization of opportunity in education remained unsolved. Solutions proposed ranged from complete provincial responsibility to a full-fledged program of federal assistance. Tax-rental and tax-sharing arrangements were discussed. A system of federal grants, without provisions for control, was suggested. A large measure of federal government leadership was advocated by some. Provincial

[68] Canada. Senate Debates (Ottawa: Queen's Printer, 1956), p. 121.

freedom to operate an autonomous educational program was supported by others. The constitutional provisions were placed adjacent to changing conditions. Local control was viewed in the light of current federal assistance programs. Provincial needs were measured against federal responsibility. Local freedom faced social justice.

The continuing arguments indicated a gradual sharpening of the issue, a defining of the relationships between governments and a growing awareness that solutions must be found. It was this latter factor which was regarded by many of the members of the House of Commons and Senate as being a major test of the maturity of Canada.

III. CONCLUSION

Provincial control over education was guaranteed by the British North America Act. But this control implied a responsibility on the part of the provinces to finance and conduct educational programs. It became apparent soon after Confederation that the demands of such programs placed an increasingly heavy financial burden on the provincial governments. The controversy examined in this Chapter relates to the financial relationship of the federal and provincial governments as the latter attempted to retain control over education while seeking for more money to honor its responsibility.

Those in favour of federal aid to education claimed that the Confederation deliberations were not realistic in the assessment of provincial need. The proponents of federal financial involvement in education suggested that the central government, with its greater potential source of funds, should provide financial help to the provinces. This granting of money by the central government to the provinces was a practice at Confederation and after. Such financial assistance need not require rigid control, it was suggested, beyond the assurance that education was the recipient of the funds.

A second argument advanced by those favouring federal aid included the concept of equality of opportunity in education. Federal financial assistance was urged to reduce inequalities among provinces in the quality of educational program offered and in the opportunity afforded for an education.

The proponents of federal financial assistance to education suggested federal-provincial agreements in the provision of funds for education. Such agreements to include tax-sharing arrangements, capital grants and other grants-in-aid.

Those opposed to federal financial involvement in education based their arguments on the questions of provincial responsibility, of the separation of taxing and spending authorities, of the relationship between federal and provincial governments. Provincial

responsibility and control of education had been established by Section 93. This provincial power to operate its own system, it was stated, should not be interfered with. The necessary expansion of services in the face of limited resources should not mean that the provinces lose control of the educational program. Federal aid would affect this control.

A second argument in opposition to federal aid to education concerned the undesirability of the separation of the taxing and spending authorities. The federal government would be the collecting agency but the provincial body would spend the funds on its program. This kind of relationship fosters lack of responsibility on the part of the spending government and increased control by the federal government.

The opponents to federal aid stated, too, that federal grants would gradually develop over-dependence on the federal government by the provinces. Once the procedure had been established whereby grants were awarded the province to assist provincially operated programs, the dependence on such funds would grow. This relationship would mitigate against the "federal" system of government.

CHAPTER IX

NATIONALISM

> It was one of the happiest results of Confederation, that through it, the inhabitants of the Old Provinces were brought into familiar intercourse with each other, by which many groundless sectional jealousies and local prejudices had been removed, and a truer understanding of their common interests secured. A diversity of wants and interests had, in many cases, proved a bond of unity, showing them to be dependent upon, and necessary to each other. . . . But among its substantial advantages, the result of Confederation had also been . . . to enlarge the views of the people and their representatives; to educate them all up to the duties of their advanced growth, . . ."[1]

I. INTRODUCTION

The story of Canadian nationalism appears to be characterized by a periodic resurgence of rather intense feeling on the part of the citizenry as the occasion has demanded. A feeling of nationalism was apparent in 1832 when, with justifiable pride, Canadians revelled in the successful defence of their country. Confederation brought about a new nationalism focused this time on a Canadian identity and a "unity in diversity". The 1885 completion of the railroad seemed to make a reality of the dream of a nation "from sea to sea". The war efforts, the Great Depression, and post-war expansion have served to produce an awareness of a national effort and a collective experience.

[1]Canada. Parliamentary Debates. (Ottawa: Ottawa Times Printing and Publishing Company, 1871), p. 791.

Purpose of the Chapter

The purpose of this chapter is to examine a final category of the parliamentary debate on federal aid to education. This aspect of the debate concerned itself with a national desire for a higher level of education for the Canadian people as a whole. This desire related to the Canadian national role among a world of nations.

The debate, reflecting an increasing awareness that Canada as a nation depends in part on the level of education of the Canadian people, began around World War I and continued to the present. It is a debate which included mention of the changing composition of the population[2] and of the relationship of educational expenditure to the total Canadian output for goods and services.[3]

A chronological recording of the debates of the House of Commons and Senate principally from World War I is presented to show the growing awareness of the dependence of Canada as a nation on the level of education of the Canadian people. Not all the contributions to the debate are recorded. Only those which appear significant are noted. Relevant opinions are expressed (and recorded herein) in a number of differing contexts and are not necessarily found in discussion on federal aid statutes.

[2]See Table I, p.306, Table II, p. 310.

[3]See Table III, p. 311.

Definition of the Issue

Many of the arguments cen'red around the role of the federal government in upgrading the general level of education in Canada so that the nation might be stronger. Some of the debaters suggested that the higher the level of education of the people of the country, the stronger that country will be within itself and among the community of nations. Other opposing arguments questioned, not so much the intent, as the method of such upgrading.

Part of this issue in the federal aid debate included a discussion of democracy and that kind of educational program which best fosters this concept. Some noted that the higher the level of education, the better are chances for a functioning democratic way of life. Others claimed that while this may be so, the suggestion that the federal government undertake such a commitment mitigated against the democratic principle of local initiative and individual choice.

II. THE DEBATE

Deliberations on confederation were not without arguments that a national feeling, linked both to material and sentimental interests, would be encouraged by union. One delegate expressed the thoughts of many regarding confederation:

> We will have a sentiment of nationality among ourselves; and I consider it to be one of the first duties of a statesman to inculcate that national feeling that gives the people a strong interest in

> their country's welfare. We will feel that we have something there, in the way of constitutional blessings due to our own union with England, and that we have stable material interests which we can transmit to our posterity. We shall feel very differently from what we do now as colonists, apart and alienated from each other, and in some respects jealous of one another.[4]

Linking this feeling of nationalism to education was somewhat more difficult, however. The first sixty years of debate witnessed only minor references to the national benefits of federal aid to education. In contrast, the last fifteen years of debate emphasized the value of education for effective nationhood and of the responsibility of the national government to assist in this aspect of the country's welfare.

1867 to 1896

As the debate on federal aid moved through its initial stages in the early years of Parliament, references were made on occasion, to the national character of Canadian educational institutions. McDougall, on February 4, 1875, reported to the House of Commons on the visit of the Governor-General to the "Great West":

> His Excellency has likewise had an opportunity of seeing the working of our institutions -- institutions that were created by our Canadian Statesmen, he was proud to say. He had had the opportunity of seeing the working of our Municipal institutions, the opportunity -- to a limited extent probably -- but still an opportunity of

[4]Canada. Confederation Debates (Quebec: Hunter, Rose and Company, Parliamentary Printers, 1865), p. 395.

> seeing the working of our educational institutions. These were all the creatures so to speak of Canadian Statesmanship. . . .[5]

References were made as well to the importance of various programs in relation to the growth and stability of the country. But these utterances were scarce and seemed to be afterthoughts to the main content of debate on other subjects.

Both the program of Indian education and that of the military college were related in such a perfunctory manner to the national development of the country. Some debaters saw potential in the Indian population for assistance in the development of the Canadian nation. Some of the problems besetting the education of the indigene were aired in relation to a relative retardation of national development.

The program of the military college and, particularly, the placement of the graduate of this program in other than Canadian positions was criticized from a nationalistic viewpoint as well. It was felt that this federal government enterprise would be more rewarding to the nation if those who completed the program were not permitted to obtain employment outside the country.

Expenditure of money for education in the Northwest Territories was viewed, too, as " . . . in the public

[5]Canada. House of Commons Debates. A. M. Burgess (ed.). (Ottawa: C. W. Mitchell, "Free Press" Office, Elgin Street, 1875), p. 11.

interest, for the general good, for the noblest cause which can occupy the attention of a country -- that of the education of its children."[6] But these sporadic sparks of interest in the relationship of education to the nationhood of Canada presented no pattern of discussion nor any evidence of concerted thought.

Canada, however, was developing on many fronts. The population had increased by almost two million[7] in the first thirty years after Confederation and was gradually shifting toward urban centres.[8] By 1905, the political map of Canada showed signs of completion.[9] The emergence of the Liberal government in 1896 gave the country a strong, two party system on the national political scene.

It was events such as these which served to bring Canada to nationhood; and one of the first expressions of this new maturity came with World War I.

1896-1945

Prior to the first World War, Canadian parliamentarians were showing evidence in debate of a knowledge of the operation of various institutions, including education, in other countries. This early comparing of the Canadian

[6]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1892), p. 1001.

[7]See Table I, p. 306.

[8]See Table II, p. 310.

[9]See Appendix K, p. 353.

educational program to that of other nations was the beginning of a continuing practice in the debates to 1960.

On February 10, 1908, Guthrie[10] moved in the House of Commons:

> That in the opinion of this House it is desirable that a commission of inquiry be forthwith appointed to investigate the needs of Canada in respect to technical education, and to report on ways and means by which these needs may be best met.[11]

Noting the support of this resolution by many elements of the Canadian society, Guthrie went on to relate the changes in educational methods in Germany, France, Belgium, Great Britain and the United States:

> These countries no longer content themselves with the old scholastic routine but they are annually spending vast sums of money upon technical trainihg. They are putting forth great efforts to reconsider their methods and systems of education with a view to the peculiar surroundings of their people and with a view to the immediate needs of the people in the hope that it may assist the people in gaining a livelihood and assist the nation in maintaining its place in the markets of the world. It is a question which has all the elements of a great national, commercial and industrial problem, . . .[12]

International competition on the labour market, the development of natural resources, increase in trade and a betterment of the technical competence of the nation were seen as desirable results of federally assisted

[10] H. Guthrie was a Conservative Member of Parliament from Ontario.

[11] Canada. House of Commons Debates (Ottawa: King's Printer, 1908), p. 2856.

[12] Ibid., p. 2858.

technical education programs.

> With Canada's great resources and with a technically trained body of workers, Canada will take a foremost place amongst the nations of the world in agricultural, commercial and industrial pursuits.[13]

These were some of the 1908 arguments put forward in support of federal aid as it related to a growing sense of nationhood. Other arguments on the subject of change and rapid development[14] were present in the debate and were prophetic of discussions forty-five years later.

The same themes were present during the July, 1919, debate on the second reading of the Technical Education Bill.[15] One Member of the Senate stated:

> I may briefly explain that there was a widespread feeling among employers of labour and among the working men of this country that it was desirable in the interests of the state itself, and of the large number of people directly concerned, that Federal encouragement should be given to technical education.[16]

Sporadic mention of the national benefits, particularly economic, of a federally supported plan for technical education continued through the 1920's. But the main

[13] Ibid., p. 2873.

[14] Cockshutt, Member of Parliament for Brantford, Ontario, noted in this debate: . . . I understand that Dr. Bell has successfully experimented with a flying machine in Nova Scotia." See: Ibid., p. 2880.

[15] Which was passed as Statutes of Canada, 9-10 Geo. V, c.73 (1919) and continued provision for the distribution of ten million dollars across Canada for technical education programs. See: Supra., p. 87.

[16] Canada. Senate Debates (Ottawa: King's Printer, 1919), p. 852.

thread of the argument was not picked up until Canada was deep in the depression.

1931

Guthrie,[17] speaking in support of a 1931 Technical Education Bill,[18] relied heavily on the argument that technically trained men were essential to the improvement of the trade and commerce of the country. This area of endeavor was conceived, further, as being within the scope of the federal parliament's concern for trade and commerce and therefore justified federal programs in technical education. He continued:

> . . . And I think it is realized throughout the trading world today that technically trained men are necessary not only for production purposes in the various branches of production, but that they are just as necessary in regard to the salesmanship of the various goods produced.[19]

This approach to federal aid was supported by other Members in debate. Woodsworth[20] commented on the necessity of recognizing "changed conditions" and suggested that those in authority could not ignore public needs and demands.[21]

[17]H. Guthrie, Conservative Member of Parliament from Ontario was, at this time, Minister of Justice.

[18]Which was passed but never implemented.

[19]Canada. House of Commons Debates (Ottawa: King's Printer, 1931), p. 1959.

[20]J. S. Woodsworth was a member of the Independent Labour party from Manitoba.

[21]Ibid., p. 1969.

> Whatever our theories of government may be, governments to-day must assume a larger measure of responsibility for social expenditure all along the line. Nearly all governments have been forced to accept that position, and the government of Canada cannot be different in that regard from the other governments of the world.[22]

Bennett[23] saw technical education as a matter of federal concern and thus distinguishable from the education provided by the provinces. He described Canada as competing in world markets and, therefore:

> . . . We have the interest of the nation, a concern in the ability of our people to meet competition and carry our wares, our goods, our merchandise successfully into every part of the world.[24]

The debate continued in like vein. The increase in the number of immigrants was related to the general increase in trade and resulting revenue to the federal government. It should be a responsibility of this government, therefore, to ensure technical education to these people. In addition, other countries of the world had recognized the importance of national programs in technical education.

> . . . As time went on . . . and the world became more and more industrialized, various nations began to pay special attention to the training of youth in connection with industry, and today, thirty industrially important countries have

[22] Ibid., p. 1970.

[23] R. C. Bennett was Conservative Prime Minister from 1930 to 1935.

[24] Ibid., p. 4105.

> legislation dealing with technical and vocational education.[25]

Several of the provinces were reported as indicating general satisfaction with federal involvement in technical education programs. Robertson, a Liberal-Conservative and Senator from Ontario, spoke of a favorable reaction from British Columbia concerning the federal grants. Referring to a letter from the Minister of Education in that province, Robertson commented on the responsibility of governments for providing technical education. Provincial request for federal action in this area was based on an awareness by these local governments of the dependence of prosperity on the development of natural resources "by scientific methods".

> . . . Experience proves that the nation which spends most on industrial education receives most in return for her industrial enterprises. Fertile soil, timbered land, and great mineral deposits can be made productive and of real value only when they are operated by men with proper training.
>
> Expenditure made to provide technical education is an investment to which the Governments should contribute generously.[26]

The positive side of the debate, therefore, related to economic growth, industrial development, trading effectiveness and international relations. Aid to education was viewed as a federal responsibility insofar as these national

[25]Canada. Senate Debates (Ottawa: King's Printer, 1931), p. 483.

[26]Letter from J. D. MacLean, Minister of Education, Province of British Columbia, to the Honorable Peter Heenan, Minister of Labour. The letter was written on March 23, 1927 [sic]. As quoted in: Ibid., p. 485.

competencies might be advanced. The arguments were placed in the context of an awareness of changing[27] conditions and of national potential.

Opposition to such arguments occurred mostly in the context of other issues of the federal aid debate. Questioning was beginning, however, in the early part of the 1930's relative to the effect of government involvement in education beyond the secondary level. The nation, it was suggested on occasion, might suffer from the financial burden it would have in providing these educational services.

Plunkett, Conservative Member of Parliament from Victoria, offered in a 1932 Budget debate a "personal" view on the subject and, in so doing, reflected the opinions of a number of members.

> . . . I sometimes think these days that education has gone a little too far; that we must stop at the public or high school point and let those who desire a better education pay for it. It has become such a burden upon the people, it is almost

[27] An interesting comment on changing technology was made by one Member of Parliament in the 1932 debate:

> "I have often wondered that for example a machine can be put into operation which will displace eighteen hundred men out of two thousand; and one machine operating in the city of St. Louis required seventy-four men where formally there were seven thousand, without some provision being made to absorb the displaced men. . . .
>
> It is not at all a party question; it is a national question, a question in which we are all interested, and particularly the great mass of humanity in the country."

Canada. House of Commons Debates (Ottawa: King's Printer, 1932), p. 101.

> unbearable. University students of today seem more capable and informed upon communism, atheism and companionate marriage than they are upon political economy or any national virtue which would help in the advancement of our citizenship or the relief of the taxpayer who has to pay the bills. . . . And while they talk, the taxpayer works to meet the obligations that conserve our institutions and advance the nation.[28]

Few new concepts were added to the debate up to World War II. Provision of federal supported cadet training programs in the schools was criticized in the light of a national denunciation of war.[29] The Royal Military College was described as an institution which provided for the future protection of the nation. The war brought with it a spirit of closer solidarity between the provinces and the dominion.

While the emphasis during this period of the debate on the national implications of federal aid was confined largely to economics, the beginnings of a broader perspective and more intensive national introspection did appear.

> . . . the Dominion owes it to its future citizens to make a contribution to public education. The federal Government makes grants for the purpose of improving our live stock, our grain, and so on, but the one vital thing it does not do is assist in improving education, especially primary education.[30]

It was on this note and on the expressed expectation that education would be a part of the United Nations

[28] Ibid., pp. 2354-2355.

[29] Canada. House of Commons Debates (Ottawa: King's Printer, 1933), p. 2106.

[30] Canada. Senate Debates (Ottawa: King's Printer, 1945), p. 103.

Economic and Social Council that this period of debate on the national issues surrounding federal financial assistance to education ended.

1946 to 1960

Following World War II, debate on federal financial assistance to education as related to the issue of nationalism changed in content, broadened in scope and reflected the development of a new nationalistic spirit in Canada.

Knight, C.C.F. Member of Parliament for Saskatoon, spoke of education from the national point of view during the budget debate of the second session of the Twentieth Parliament.[31]

> . . . The provision of federal support for education could become an agency for the promotion of national unity. A new national interest in education could be an instrument for national unity, just as education in a broader sense could be used to promote mutual understanding among the people of the world. . . .
>
> Harried as we are by the day-to-day call for solution of imminent and immediate national problems, we have been inclined to forget, federally, the importance of education in a changing social order; . . .[32]

This comment was similar to several which reflected the beginnings of a change in attitude on the relationship of education to national development. Accompanying this

[31]This Twentieth Parliament was in its Second Session from March 14, 1946 to August 31, 1946.

[32]Canada. House of Commons Debates (Ottawa: King's Printer, 1946), pp. 3328-3329.

point of view were those which suggested that education aided the development of sound judgment - a feature thought necessary for Canadian democracy. It was argued that the federal government should take cognizance of the actions of other advanced nations which have increased expenditure on education, expanded the variety of educational offerings and extended the school leaving age. Indeed, noted one debater during the early post-war debate, it is a principle of social justice at the federal level which is involved in that every child has a right to a measure of education.[33]

The national concern for education was extended to international relations as well. Fair[34] noted in advocating federal aid to the provinces without federal control:

> I am quite satisfied that the people in general do not appreciate the importance of education . . . in formulating constructive rather than destructive ideas in the human mind. I am quite satisfied that the schools of today could do much more to bring about peace in the world in the future than any of the big world-wide organizations that are operating at the present time.[35]

While the relationship of education to the national welfare of Canada was being expanded in the debate, methods and programs for accommodating this relationship were being proposed. One debater suggested:

[33]Canada. House of Commons Debates (Ottawa: King's Printer, 1949 (second)), p. 932.

[34]F. Fair was Social Credit Member of Parliament for Battle River, Alberta.

[35]Ibid., p. 1386.

> If we had a federal bureau of research in education, projects . . . could be carried out for the benefit of the nation, and the research work that is done by the provinces could be correlated and made available for the use of educationists all across the country. We need a federal institution for educational guidance. . . .[36]

Suggestions for federal involvement embraced all kinds of national activity and were predicated on another kind of social justice: that of affording all men the opportunity of earning a livelihood. The earlier emphasis on the economic benefits to the nation of federally assisted educational programs had not been forgotten.

> . . . The political and economic history . . . is a witness to the fact that, in all fields of human endeavour, the people who have received an education . . . have placed all their talents at the disposal of their country. . . . the state will have to step in, to a certain extent, and help the larger and poorer families to develop the talents and moral aspects of their children, and thereby safeguard their future.[37]

1950. The debate moved into the last decade of the period under study with the same general attitudes prevailing. Any change in the points of view expressed were attributable to a centering of the national concern for education on specific programs and particular problems.

[36] Ibid., p. 1426.

[37] Canada. Senate Debates (Ottawa: King's Printer, 1949 (second)), pp. 11-12.

The universities received considerable attention, for example, in the continuing delineation of the National benefits of federal aid to education. These institutions, it was suggested, have played an important role in the development of Canada. But it was evident in 1950 that provincial resources were not sufficient to support the rapid expansion of the universities - institutions which contributed to the intellectual health of Canada. Venoit noted in support of this role of the universities:

> In order to maintain the intellectual development of Canadian citizens at a high standard, it becomes increasingly evident that the federal government will eventually have to play its part and lend assistance to our universities. . . .[38]

The concern for universities within the confines of this issue of nationalism in the debates was matched in other areas of education. Federal aid, it was suggested, would assist in the provision of such educational programs as would enable immigrants to "understand our ways and become a part of us."[39]

Education was described as one of the most important of societal functions by which the foundation of the country's future may be laid. Programs in which the federal government should have a particular interest include ones of a cultural content, of an orientation to

[38]Canada. Senate Debates (Ottawa: King's Printer, 1950), p. 12.

[39]Ibid., p. 19.

the adult population and of a vocational nature.

Equality of educational opportunity was noted as being of national concern as well. ". . . I urge," said Knight,

> that the dominion government, the only body with the necessary financial resources, while safeguarding the jurisdiction of the provinces over education within their own boundaries, should proceed forthwith to inaugurate a system of federal aid to education in Canada.[40]

The idea of it being in the national interest to maintain provincial control was a part of this debate as well. While most of the discussion within this issue was positive in nature, the occasional warning was sounded. Favoring a re-allocation of taxing powers so that the provinces and municipalities would have the independence of revenue consistent with independent responsibilities in education, Drew, a member of the Conservative party and leader of the Opposition asserted in a 1953 debate:

> I am not suggesting for one moment that anything should be done which will in anyway, indirectly or directly, encourage the dominion government to invade the field of education. . . . Our unity as a nation depends upon the extent to which we recognize the position of the provincial government in the field of education and do not, directly or indirectly at any level, seek to interfere with that responsibility. . . .
>
> I believe that the best way for us to assure the continuing strength of our federal system is to make sure that the provincial governments and the municipal councils within those provinces

[40]Canada. House of Commons Debates (Ottawa: Queen's Printer, 1953), p. 1315.

> have adequate revenues so that they are able to carry out their tasks without any possibility of intervention at any time by the dominion government.
>
> That was the concept of confederation that we accepted in 1867. It is the genius of our form of confederation. It is the basis upon which national unity has been established here.[41]

Even the comments such as this did not deny the supportive function of education for nationalism. Nor did they deny the importance of fostering a feeling of Canadian nationalism. Rather, it was the method by which federal aid was to be carried out and the results of whatever method used that was questioned.

1955. The debate continued during the latter part of the decade in like vein. It was noted that education, particularly higher education, was the only method by which the country was going to adjust and grow within the context of change. New forms of energy, of communication, of technology and increasing application of automation to many facets of the life of the nation including advances in medical and physical science were dependent on a better educated and more highly skilled populace.[42] The national government had a responsibility in this educational endeavor.

[41] Canada. House of Commons Debates (Ottawa: Queen's Printer, 1953), p. 1330.

[42] Canada. Senate Debates (Ottawa: Queen's Printer, 1956), p. 70.

The senate discussion on the second reading of a bill to establish a Canada Council[43] included the national quality of this federal action to encourage the development of the arts, humanities and social sciences. The "crises" in higher education was noted as assuming major proportions. This bill was designed as one measure to allay the urgency of the situation.[44] Connolly,[45] however, opposed federal involvement in this national problem. He quoted in support of his argument from McGee who spoke in 1867 on "The Mental Outfit of the New Dominion":

> "Most of our industrial and classical colleges . . . owe their origin to some such acts of private beneficience; but the number of scholarships founded by wealthy individuals who have made large fortunes in this country, might, I fear, be reckoned on the fingers of one hand. It were perhaps to be wished that the whole subject of superior education had remained in some sort subject to Federal care and superintendance, under a Federal Minister of Education, capable and devoted to the task. But the honorable rivalries of local administrations may be trusted as preventatives against stagnation and exclusiveness."[46]

[43] Passed as Statutes of Canada. 5-6 Eliz. II, c. 3 (1957).

[44] Canada. Senate Debates (Ottawa: Queen's Printer, 1957), p. 301.

[45] J. J. Connolly was a Liberal from Ontario and Roman Catholic in religion.

[46] As quoted in Canada. Senate Debates (Ottawa: Queen's Printer, 1957), p. 343. This comment relative to a Central Office of Education is revealing in that it indicates that the thought had not escaped the politicians at the time of Confederation. It would appear that the absence of a federal agency was by choice and for reasons similar to those which made education a provincial affair.

National pressure for federal assistance to education continued to mount steadily. It was becoming generally accepted ". . . that a nation's economic and productive progress is determined by the number of university graduates in relation to population."[47] Wall[48] added to the increasing clarity of the issue:

> . . . one of Canada's most important general social services, for whose efficiency and adequacy the federal Government must assume its proper share of responsibility, is the service of education. This responsibility must be defined in terms of assistance, not federal control. . . . The Canadian nation as a whole does bear a collective responsibility to provide for every Canadian boy or girl equality of access to, and equality of participation in, accepted and acceptable educational services, irrespective of the province or locality in which the boy or girl may reside.
>
> . . . The principle of federal participation in education is now part and parcel of our political tradition and reality, as is the principle of federal financial participation in health and welfare . . . which I understand to be primarily provincial responsibilities.[49]

Cameron, a Senator from Alberta, suggested that ". . . education and government in a democratic society are two sides of the same coin."[50] He noted that good government depended on good education and good education was, in turn, dependent on enlightened government. The

[47]Canada. Senate Debates (Ottawa: Queen's Printer, 1958), p. 311. It was noted in the same debate that Russia had 19.6 graduates per 1000 of population; the United States, 15.0 and Canada 4.94 graduates per 1000 of population.

[48]W. M. Wall, was a member of the Conservative Party and Senator from Ontario.

[49]Ibid., pp. 339-340.

[50]Canada. Senate Debates (Ottawa: Queen's Printer, 1959), p. 191.

responsibility of "making the decisions which determine peace or war, depression or prosperity" rests in the hands of enfranchised people. The secret weapon of such nations as Russia and China - the post war "Neo Giants" - is education and Canada as a nation must accept this responsibility as well. He continued:

> Certainly the democratic way of life, with its emphasis on freedom and the rights of the individual, is the only assumption that offers hope in a world increasingly and rapidly succumbing to State authority. . . . And if there is one malaise in our society today that is more dangerous than any other it is the preoccupation with rights and the denial of responsibility, the overconcern with getting and the unconcern about giving.[51]

But Canada as a nation in a world of nations has a character, a tradition and a constitutional arrangement all of its own. It is this uniqueness of developing nationhood which was considered reason enough for unique solutions to the dilemma of federal financial involvement in education. Illustrative of this uniqueness and, indeed, of the issue of nationalism itself is the following portion of a campaign speech delivered on April 25, 1957, by Diefenbaker, Leader of the Progressive Conservative Party and subsequently Prime Minister of Canada:

> "We believe there can be no national unity in this nation until there is a realization that the federal-provincial matters have handcuffed the provinces of this nation; have denied municipalities adequate sources of revenue; have placed the provinces and the municipalities

[51] Ibid., p. 192.

> in a position where they cannot discharge their constitutional responsibilities or permit the necessary development in their own territorial confines of the natural resources that there are. We believe the provinces and municipalities must have the financial resources to carry out those responsibilities. We believe in the federal system of government. We believe that its preservation is essential to Canadian unity. We believe the federal system is today being challenged . . . and that a healthy division and balance of revenues as between the federal and provincial Governments must be assured."[52]

III. CONCLUSION

The discussion on federal aid to education as it related to nationalism included a variety of topics. The relationship of education to the national economy was explored. The role of education in a democratic society was examined. The value of education in assisting the nation in international relations was discussed.

The arguments for and against federal aid included the economic advantages of such federal expenditure. The training of the labour force was regarded as one outcome of such aid. Technically trained people would be of value in the developing Canadian nation. Production would be increased. Natural resources could be exported. Canada would be better able to compete in the world markets.

Many described federal aid as promoting Canadian Nationalism by upgrading the educational level of the

[52]As quoted in Ibid., p. 855.

population. Immigrants needed some form of orientation and training in order to become productive members of the Canadian community. Intellectual, cultural and social features of society were seen to benefit from federal financial involvement in educational programs. In addition, social justice demanded that the nation provide its citizenry with equal opportunity for education.

Finally, it was argued that federal aid to education would assist in developing a more informed electorate and hence better government. The national and international benefits of this improved governmental function would be evident in the promotion of peaceful international relations, in the development of a more effective national educational program and in the creation of a more advanced national society.

CHAPTER X

SUMMARY AND CONCLUSION

> . . . If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. . . . But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.[1]

I. INTRODUCTION

The major concern of this dissertation has been to record and examine those discussions in the Canadian House of Commons and Senate on the subject of federal financial participation in education. The study encompassed the ninety-three year period from 1867 to 1960. This chapter summarizes the discussions and presents an analysis of the relationship between the opinions expressed and the political party, religion and region of representation of those who participated in the parliamentary debate on federal aid.

[1]John Stuart Mill, ON LIBERTY.

II. THE DEBATE

The discussions on federal aid to education in the Canadian House of Commons and Senate from 1867 to 1960 were organized into five major issues. These issues included the constitutional implications of federal aid, the issue of minority rights, the implications of federal aid in the development of the nation's human resources, the relationship of federal aid to local control of education and the concern for a developing Canadian nation. Discussions on each of these issues were reported in the time periods of 1867 to 1896, 1896 to 1945 and 1946 to 1960.

Arguments For Federal Aid

Statements and discussions favoring federal government financial participation in education appeared in each of the three time periods and within the context of each of the major areas of concern.

Constitutional Implications. Those in favor of federal aid based part of their discussion on the constitutional implications of such aid. It was argued that while Section 93 of the British North America Act provided for provincial responsibility in education, no provision of the Act prevented federal government expenditure in education. Some parliamentarians stated that in certain areas such as vocational education, Indian education and the education of children of armed forces personnel, the constitution provided for federal government involvement.

Another argument for federal aid within the context of the constitutional provisions dealt with the intent of Section 93. It was claimed that provincial responsibility was given in 1867 for the kind of educational programs which existed at that time. Since then educational services have extended into institutions of higher learning and into special programs such as vocational training. These services could be legally financed, it was stated, by the federal government.

A third claim by the proponents of federal aid related to the need for such financial assistance. The burden of provincial services which had become increasingly heavy as the years went by demanded federal assistance for alleviation. This rapid expansion of services by the provinces had not been anticipated in 1867 and, therefore, decisions made at that time should be altered to meet current need.

Using these arguments as a basis for discussion, the proponents of federal aid urged federal-provincial co-operation in the development of federal aid programs.

Minority Rights. The proponents of federal aid argued within the context of the minority rights issue that such financial assistance could be used to foster the cultural, religious and language of minority groups. It was suggested further that federal-provincial agreements as to the use of federal funds for education would recognize the rights of minority groups.

Human Resources. Those members of the House of Commons and Senate favoring federal aid to education saw in such aid the development of the most vital of the country's resources--the people themselves. Federal aid would promote a greater level of skill in the labor force. The better educated the electorate, it was claimed, the better would be the practice of democracy in elections and in government. Greater economic benefit would result from less unemployment and a more highly educated work force.

Local Control. The proponents of federal government financial assistance to education argued for such aid to help the provinces honor their responsibilities in education. Maintaining that provincial need and provincial resources were becoming increasingly incompatible, those in favor of federal aid claimed that inequalities in educational opportunities were in evidence among the provinces. Federal government assistance would help to provide for an equalization of opportunity. Such federal grants could be advanced without infringement by the federal authorities on provincial educational programs.

Increasing expansion of services in education was a second reason for the proposed existence of federal financial assistance to education. When this expansion was placed at the side of recent federal control of direct taxation there could be no alternative, according to the proponents of federal aid, but to insist on federal grants.

Nationalism. Distinct national benefits were seen to arise from federal aid to education. Those in favor of such financial assistance related their arguments to a more effective international role which Canada might play if its populace was better educated. The national economy would be enhanced through federal aid to education because such aid would foster greater output of goods and services by a better educated people. International trade would increase as a result.

It was claimed, too, that federal aid would help to educate a populace better able to contribute to all facets of the Canadian way of life. The central government must assume some responsibility for bringing about this contribution.

SUMMARY

Many arguments were advanced by members of the Canadian House of Commons and Senate favoring federal financial participation in education. The strength of these arguments can be seen partly in federal legislation awarding financial assistance to education. The fact that there is not more federal aid and the fact that this aid does not extend to public elementary education is indicative, however, of the corresponding strength of the negative portion of the parliamentary discussion on federal aid.

Arguments Against Federal Aid

Discussion opposing federal financial assistance to education appeared throughout the ninety-three years under investigation and within the context of each of the major issues into which this study is organized.

Constitutional Implications. Those opposed to federal aid based part of their argument on the legality of such governmental action. The British North America Act clearly placed education within provincial responsibility. This legal right could not be ignored.

A second argument put forth by those against federal aid was based on the undesirability of separating the taxing and spending authorities. It was claimed that a basic premise of government operation was that the body collecting public monies must be responsible for the use of such funds. The federal government as the collecting agency legally could not honor the responsibility for expenditure control. This separation of power to collect from power to spend was rot in the interest of either effective government or adequate educational services.

Minority Rights. Referring frequently to such events as the Manitoba School Question, those opposed to federal financial involvement in education claimed that such expenditure and resulting control would mitigate against the language, religion and culture of minority groups. The protection of minority rights was implicit in

Section 93, it was claimed, and federal involvement in education would force the minority to lose its identity within the rule of the federal majority. This was not the intent of the constitutional provision for education; nor would it promote individual freedom in education.

Human Resources. Opposition to federal aid as it related to the development of the nation's human resources centered mostly on the kind of education programs to be developed by such aid. It was argued further that raising the educational standard of the people would result through competition among provinces. Local needs could be met more effectively if the provinces educated their own populace. Federal financial assistance might force not only the province but individuals as well to undertake programs for which there would be no need and for which there would be no great economic advantage.

Local Control. The members of the House of Commons and Senate opposed to federal aid placed part of their argument within the context of the need for retention of provincial control of education. It was claimed that education would benefit from the competition among provinces to provide the best kind of educational program possible. Federal grants were suggested, therefore, for other provincial services so that more of the financial resources of the provinces could be directed to education.

A second argument for local control proposed by

those opposed to federal aid was based on the co-operative but independent nature of the federalistic arrangement of provincial and central governments. Local responsibility for education was a major determinant of the federal concept at Confederation. This principle of federalism, it was claimed, could be retained by allowing local control of education.

Nationalism. The major argument advanced against federal aid as it applied to the development of Canadian nationalism related to the necessity for provincial responsibility in such development. It was stated that Canada as a nation could be no stronger than the weakest of the provinces. It was therefore necessary to allow the provinces to develop themselves in order to foster the development of Canada.

Summary. The arguments advanced against federal aid to education appeared strong enough to withstand federal financial involvement in all facets of Canadian education. The recognized need for federal-provincial agreements supported the arguments for provincial autonomy in education. The apparent caution with which federal aid was given might be attributed to the recognized validity of statements by those opposed to such aid.

III. THE DEBATERS

The number of expressed opinions selected for inclusion in this study was four hundred sixty. These opinions came from a total of two hundred ninety-eight members of the House of Commons and Senate from 1867 to 1960. Each opinion for or against federal aid to education was related to the speaker's political party affiliation, religion and region of representation. Charts I to III inclusive contain a tabulation of this relationship.

Political Affiliation

Chart I presents a numerical summary of the relationship of the opinions expressed to the political party affiliation of the debaters. A majority of opinions by Liberals favor federal aid within the context of the constitutional implications while that party was in power. But as the opposition, Liberals expressed more opinions against federal aid. Conservatives, on the other hand, were consistently more in favor of federal aid than opposed. In the 1946 to 1960 period there was an equal distribution of opinion for and against such financial assistance.

The subject of minority rights as affected by federal aid to education reflected a majority of opinion on the negative side. In total, twice as many Liberal opinions were against federal aid as were for such aid. Conservative opinions were evenly distributed on the positive and negative side of the issue of minority rights.

Discussion of federal aid and the development of the

CHART I

PARTY STATUS AND OPINION

TABLE*	ISSUE	PERIOD	LIBERALS				CONSERVATIVES			
			In Power		In Opposition		In Power		In Opposition	
			F	A	F	A	F	A	F	A
1	I	Total	16	7	17	31	24	14	11	9
		1	2		4	14	13	5		1
		2	4	1	1	5	4	1	5	3
		3	10	6	12	12	7	8	6	5
2	II	Total	3	5	8	17	10	10	2	3
		1			2	10	6	6		1
		2	2			1	1			
		3	1	5	6	6	3	4	2	2
3	III	Total	15	2	18	8	25	2	9	2
		1	1		8	6	12			
		2	5		1		6	2	5	2
		3	9	2	9	2	7		4	
4	IV	Total	13	9	10	18	15	10	12	5
		1				4	2	4	1	
		2	5	1		6	3		4	3
		3	8	8	10	8	10	6	7	2
5	V	Total	12		10	1	13	3	7	1
		1	1		2		2		1	
		2	3		1		3	2	1	
		3	8		7	1	8	1	5	1
TOTAL			59	23	63	75	87	39	41	20

*See Tables 1 - 5 in Appendix L

human resources of the country revealed majority support for such aid by both Liberals and Conservatives while in power and in the opposition.

The issue of local control did not reveal as much agreement, however. More Liberal opinions opposed federal aid than supported it. While more opinions of Liberals favored aid while the party was in power, the opposite was evident when the Party sat in opposition. The last period of discussions (1946 to 1960) showed an exception to this where there appeared to be a slight majority of Liberal opinions favoring federal aid while that party was in opposition. Conservative opinions favoring federal financial assistance were consistently in the majority except for the period 1867 to 1896 when that party was in power.

Federal aid was consistently favored by a majority of both Liberals and Conservatives as the discussion revolved around the subject of nationalism.

Religion

Chart II relates opinion to the religion of the debater and indicates that in total, almost two and one-half more Protestant opinions favored federal aid than opposed it. A slight majority of Roman Catholic opinion opposed such aid.

The majority of Protestant opinions were consistently in favor of federal aid throughout all the issues in each of the time periods. The one exception was during the period 1867 to 1896 in the context of local control. At that point more Protestants were opposed to federal aid.

CHART II

RELIGION AND OPINION

TABLE*	ISSUE	PERIOD	PROTESTANT		ROMAN CATHOLIC	
			F	A	F	A
1	I	Total	53	33	23	30
		1	15	13	4	7
		2	11	8	5	3
		3	27	12	14	20
2	II	Total	17	12	9	25
		1	8	8		9
		2			3	2
		3	9	4	6	14
3	III	Total	61	13	15	2
		1	18	6	3	
		2	19	5	2	
		3	24	2	10	2
4	IV	Total	43	24	16	20
		1	2	6	1	2
		2	10	7	4	4
		3	31	11	11	14
5	V	Total	36	4	11	2
		1	3		3	
		2	7	3	1	
		3	26	1	7	2
TOTAL			210	86	74	79

*See Tables 1 - 5 in Appendix L

Roman Catholic opinion did not show as consistent a pattern. While more Roman Catholic opinions opposed federal aid than supported it in the context of discussions on the constitution, a majority of opinion supported such assistance between 1896 and 1945.

Similarly, a majority of Roman Catholic opinion supported federal aid during the 1896 to 1945 period in discussion of minority rights. This was in the face of an almost three to one negative opinion in total.

The weight of opinion moved in the opposite direction in discussion of the issues of the development of human resources and of nationalism. Like the Protestants, the majority of Roman Catholic opinions favored federal aid within the context of these issues.

Discussion of local control revealed a majority of Roman Catholic opinion opposed to federal aid except in the 1896 to 1945 period where there was an equal distribution of those for and against such aid.

Area of Representation

Chart III presents a tabulation of opinion on federal aid and its relation to the debaters' region of representation. In total, there were more affirmative opinions on federal aid than negative except in Quebec where the majority opinion was opposed to such aid.

The Maritime Provinces reflected a majority opposed to federal aid (except in the 1946 to 1960 period) as the constitutional implications were discussed. Opposition dominated in Quebec except in the 1896 to 1945 period.

CHART III

REGION OF REPRESENTATION AND OPINION

TABLE*	ISSUE	PERIOD	MARITIME PROVINCES		QUEBEC		ONTARIO		PRAIRIE PROVINCES		BRITISH COLUMBIA	
			F	A	F	A	F	A	F	A	F	A
1	I	Total	8	9	19	21	29	25	20	7	1	2
		1	3	6	2	2	9	10	5	2		
		2	1	1	4	2	8	7	3	1		
		3	4	2	13	17	12	8	12	4	1	2
2	II	Total	5	3	9	17	6	13	6	3		1
		1	3	3		3	3	8	2	3		
		2			3	1		1				
		3	2		6	13	3	4	4			1
3	III	Total	9	1	10	2	32	9	24	3	4	1
		1	4	1			8	5	7		2	
		2			3		12	3	5	1	1	1
		3	5		7	2	12	1	12	2	1	
4	IV	Total	8	4	9	13	22	23	18	3	4	1
		1		1			2	6	1	1		
		2	1	1	2	1	6	8	4	1	1	
		3	7	2	7	12	14	9	13	1	3	1
5	V	Total	7		3	2	21	2	17	1	2	1
		1	1		1		2		2			
		2					6	1	3	1	1	1
		3	6		2	2	13	1	12		1	
TOTAL			34	17	50	55	110	72	85	17	11	6

*See Tables 1 - 5 in Appendix L

Ontario reflected a majority in favor except in the 1867 to 1896 period. The majority favored aid in the Prairie Provinces.

In discussion of the issue of minority rights, the Maritime Provinces and the Prairie Provinces generally were more in favor of federal aid than opposed. Quebec and Ontario reflected a larger number of negative opinions than positive.

All regions were consistently more in favor than against federal aid as it was discussed in the context of the development of the human resources. The largest number of opinions came from Ontario.

The Maritime Provinces, the Prairie Provinces and British Columbia reflected a majority of opinion in favor of federal aid as the issue of local control was discussed. Quebec opinions opposed aid in the 1945 to 1960 period. Opinions in Ontario were opposed except in the last period where a majority favored federal aid.

The issue of nationalism as affected by federal aid elicited a majority of positive opinions throughout all regions and in each of the time periods.

Summary

In total, opinions for federal aid were more numerous than those in opposition. More Conservative than Liberal opinions were for aid. On both sides of the argument, Protestant opinions were more numerous than those of Roman Catholics. More opinions from the regions of representation were in favor than opposed. Only in Quebec did a slight majority oppose such aid.

CHAPTER XI

RECOMMENDATIONS

On the basis of the findings of this study, the following recommendations for further research on the subject of Canadian federal government financial assistance to education are suggested.

Examination of the Statutes

Study of the development and content of federal government statutes concerning federal financial assistance to education is recommended. This study might be conducted in the following areas:

1. technical and vocational education;
2. higher education;
3. education of the Indian;
4. research activities in education;
5. federal-provincial agreements in educational finance.

Examination of Expenditure in Education

Historical and analytical studies of federal government expenditure in education are recommended. These studies might include:

1. a historical analysis of the growth and change of federal government expenditure in education;
2. an analysis of present federal government expenditure in education;
3. a survey of regulations accompanying federal government financial plans in education.

Examination of Federal-Provincial Plans for Expenditure in Education

Study of federal-provincial arrangements for financing education is recommended. The development of formal agreements between the federal and provincial governments might be examined. An examination of Reports of Royal Commissions concerning federal-provincial relations in education is recommended.

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TABLES

TABLE I

POPULATION AND THE LABOUR FORCE, CANADA, 1871-1960*
(In Thousands)

	1871	1881	1891	1901	1911	1921	1926	1927	1928	1929
Total Canadian Population**	3,689	4,325	4,833	5,371	7,207	8,788	9,451	9,637	9,835	10,029
Civilian Non-institutional Population, 14 Years of Age and Over							6,326	6,486	6,655	6,820
Civilian Labour Force:										
(a) Employed:										
(1) Nonagricultural							2,299	2,406	2,491	2,541
(2) Agricultural							1,251	1,284	1,305	1,307
(3) Total Employed							3,550	3,690	3,796	3,848
(b) Unemployed							108	67	65	116
Total Civilian Labour Force							3,658	3,757	3,861	3,964

*Adapted from: Dominion Bureau of Statistics, National Accounts: Income and Expenditure: 1926-1956 (Ottawa: Queen's Printer, 1956), p.100; Ibid., 1958, p.54; Ibid., 1960, p.60; Dominion Bureau of Statistics, Canada Yearbook, 1958 (Ottawa: Queen's Printer, 1958).

**Estimated as of June 1 for intercensal years.

TABLE I (continued)

	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939
Total Canadian Population	10,208	10,376	10,510	10,633	10,741	10,845	10,950	11,045	11,152	11,267
Civilian Non-institutional Population, 14 Years of Age and Over	6,972	7,116	7,240	7,366	7,491	7,621	7,748	7,870	7,997	8,122
Civilian Labour Force:										
(a) Employed:										
(1) Nonagricultural	2,451	2,454	2,233	2,192	2,430	2,479	2,576	2,776	2,707	2,741
(2) Agricultural	1,238	1,216	1,237	1,257	1,277	1,298	1,319	1,339	1,359	1,379
(3) Total Employed	3,689	3,670	3,470	3,449	3,707	3,777	3,895	4,115	4,066	4,120
(b) Unemployed	371	481	741	826	631	625	571	411	522	529
Total Civilian Labour Force	4,060	4,151	4,211	4,275	4,338	4,402	4,466	4,526	4,588	4,649

TABLE I (continued)

	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Total Canadian Population	11,381	11,507	11,654	11,795	11,946	12,072	12,292	12,551	12,823	13,447
Civilian Non-institutional Population, 14 Years of Age and Over	8,140	8,056	8,085	7,871	7,920	8,048	8,779	9,007	9,141	9,490
Civilian Labour Force:										
(a) Employed:										
(1) Nonagricultural	2,840	3,047	3,295	3,373	3,349	3,303	3,500	3,722	3,790	3,931
(2) Agricultural	1,344	1,224	1,139	1,118	1,136	1,144	1,186	1,122	1,096	1,083
(3) Total Employed	4,184	4,271	4,434	4,491	4,485	4,447	4,686	4,844	4,886	5,014
(b) Unemployed	423	195	135	76	63	73	143	98	102	144
Total Civilian Labour Force	4,607	4,466	4,569	4,567	4,548	4,520	4,829	4,942	4,988	5,158

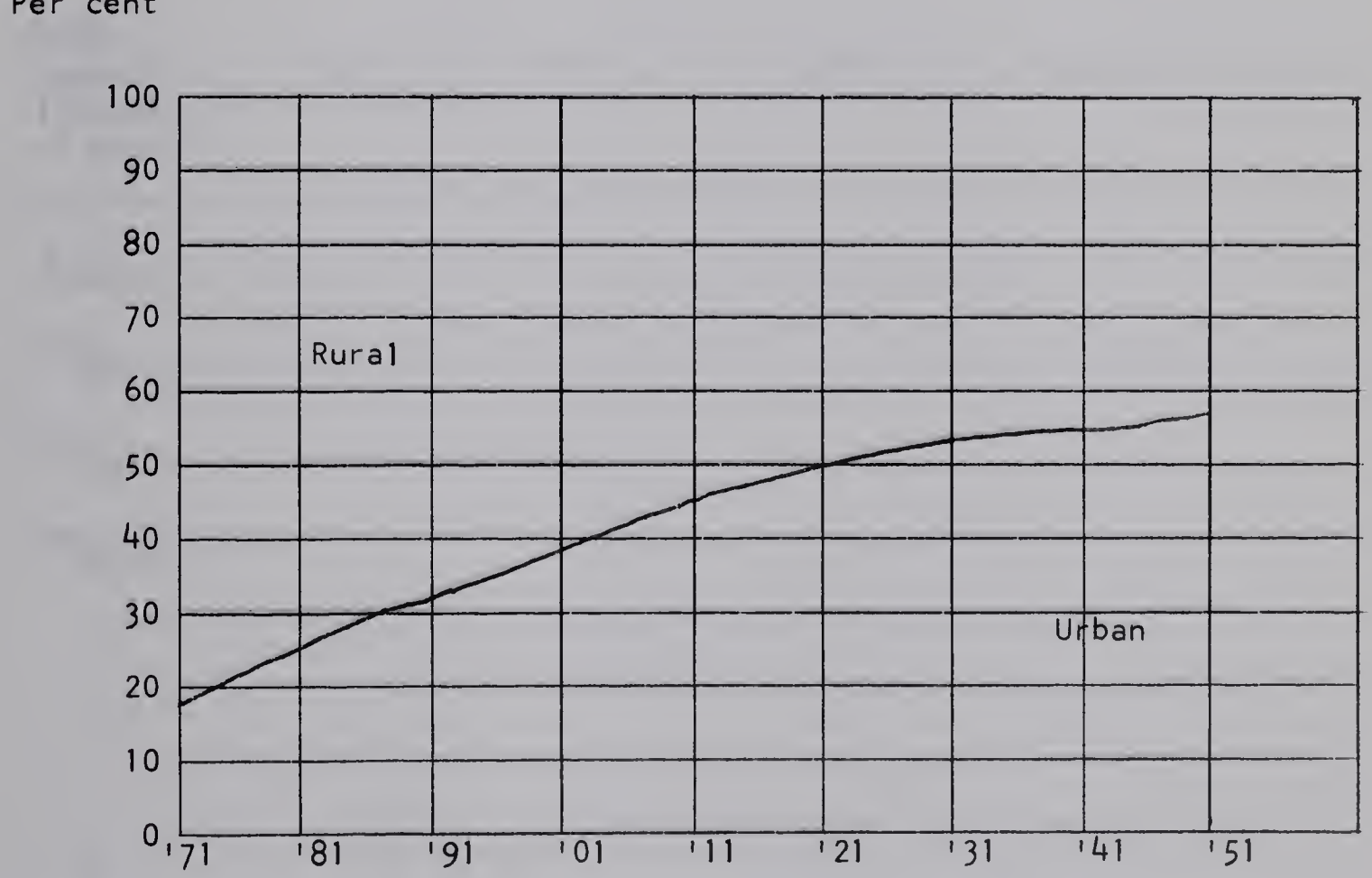
TABLE I (continued)

	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Total Canadian Population	13,712	14,009	14,459	14,845	15,287	15,698	16,081	16,589	17,048	17,442	17,814
Civilian Non-institutional Population, 14 Years of Age and Over	9,615	9,726	9,945	10,144	10,391	10,597	10,805	11,108	11,357	11,562	11,789
Civilian Labour Force:											
(a) Employed:											
(1) Nonagricultural	3,979	4,171	4,295	4,388	4,380	4,546	4,809	4,981	4,983	5,163	5,280
(2) Agricultural	1,018	940	891	858	878	819	776	744	712	692	675
(3) Total Employed	4,997	5,111	5,186	5,246	5,258	5,364	5,585	5,725	5,695	5,856	5,955
(b) Unemployed	166	106	129	137	235	245	197	278	432	373	448
Total Civilian Labour Force	5,163	5,217	5,315	5,383	5,493	5,610	5,782	6,003	6,127	6,228	6,403

TABLE II

PERCENTAGE DISTRIBUTION OF RURAL AND URBAN POPULATION
CANADA, CENSUS YEARS 1871-1951*

R	1871	1881	1891	1901	1911	1921	1931	1941	1951
R%	80.4	74.4	68.2	62.5	54.6	50.5	46.3	45.7	42.7
U%	19.6	25.6	31.8	37.5	45.4	49.5	53.7	54.3	57.3



* Source: D. C. Corbett, Urban Growth and Municipal Finance. (Canadian Federation of Mayors and Municipalities, 1952), p. 15.



TABLE III

ENROLMENT IN AND EXPENDITURE ON EDUCATION, CANADA, 1871-1958*

	1871	1881	1891	1901	1911	1921	1931	1941	1951*+	1955++	1956++	1957	1958
Total Enrolment (All Types)	803,000	891,000	993,000	1,092,633	1,361,205	1,880,805	2,264,106	2,131,391	2,922,931	3,644,900	3,843,300	3,945,299	4,122,427
Teachers**	13,559	18,016	23,718	27,126	40,516	56,607	71,246	75,308	105,796	126,370	135,350	151,839	155,182
Public Expenditure (Thousands of dollars)				11,045	37,971	112,977	144,749	129,817	513,442	751,000	887,000	960,000++	1,025,000++

*Dominion Bureau of Statistics, Canada Yearbook, 1958. (Ottawa: Queen's Printer, 1958), pp. 1246-7.

**All teachers after 1941. Before 1941, only those in provincially-controlled and technical day schools.

*+Figures for Newfoundland begin in 1951.

++Estimated.

TABLE IV

GOVERNMENT REVENUE AND GROSS NATIONAL PRODUCT, CANADA, 1926-1960*

	1926	1927	1928	1929	1930	1931	1932	1933	1934
	(Millions of dollars)								
Gross National Product at Market Prices**	5,152	5,549	6,046	6,134	5,728	4,699	3,827	3,510	3,984
Government Revenue:***									
Total	879	920	999	1,019	914	889	841	828	918
Federal	373	388	432	399	274	231	214	248	297
Provincial	170	182	200	224	237	246	242	233	255
Municipal	336	350	367	396	403	412	385	347	366
Gross National Expenditure at Market Prices (Index: current $ / 1949 constant $)	68.0	67.1	66.9	67.7	66.0	62.1	56.3	55.2	55.9

*Adapted from: Dominion Bureau of Statistics, National Accounts Income and Expenditure: 1926-56; 1960 (Ottawa: Queen's Printer, 1956, 1960).

**Includes Newfoundland from 1949 on.

***Including intergovernment transfers.

TABLE IV (continued)

	1935	1936	1937	1938	1939	1940	1941	1942	1943
	(Millions of dollars)								
Gross National Product at Market Prices	4,315	4,653	5,257	5,278	5,636	6,743	8,328	10,327	11,088
Government Revenue:									
Total	985	1,136	1,228	1,177	1,228	1,673	2,331	2,909	3,365
Federal	313	402	463	415	459	860	1,498	2,016	2,441
Provincial	300	354	393	381	381	420	429	481	501
Municipal	372	380	372	381	388	393	404	412	423
Gross National Expenditure at Market Prices (Index: current $ / 1949 constant $)	56.2	58.0	59.6	59.5	59.1	61.8	66.7	69.7	72.2

TABLE IV (continued)

	1944	1945	1946	1947	1948	1949	1950	1951	1952
	(Millions of dollars)								
Gross National Product at Market Prices	11,850	11,835	11,850	13,165	15,120	16,343	18,006	21,170	23,995
Government Revenue:									
Total	3,562	3,496	3,798	4,169	4,288	4,451	5,000	6,438	7,167
Federal	2,582	2,438	2,602	2,740	2,677	2,654	2,965	4,110	4,626
Provincial	528	599	700	873	971	1,084	1,239	1,414	1,514
Municipal	452	459	496	556	640	713	796	914	1,027
Gross National Expenditure at Market Prices (Index: current $ / 1949 constant $)	74.4	76.1	77.7	85.2	96.1	100.0	103.1	114.1	119.8

TABLE IV (continued)

	1953	1954	1955	1956	1957	1958	1959	1960
	(Millions of dollars)							
Gross National Product at Market Prices	25,020	24,871	27,132	30,585	31,909	32,867	34,857	35,959
Government Revenue:								
Total	7,457	7,423	8,185	9,204	9,754	9,940	11,295	12,015
Federal	4,726	4,528	4,937	5,578	5,588	5,321	6,005	6,280
Provincial	1,612	1,689	1,874	2,092	2,410	2,638	3,103	3,335
Municipal	1,119	1,206	1,374	1,534	1,756	1,981	2,187	2,400
Gross National Expenditure at Market Prices (Index: current $ / 1949 constant $)	120.3	123,2	123,8	128,4	133.9	136.4	140.2	141.7

TABLE V

TOTAL EXPENDITURE ON TYPES OF EDUCATION
BY SOURCES OF FUNDS, CANADA, 1959*

	Elementary and Secondary Level								Per cent of Total (To two decimals)
	Controlled		Vocational Education	Business Colleges	Teachers' Colleges	Higher Education	Other Formal Education	Total	
	Publicly	Privately							
	Thousands of dollars								
Local Government (Taxation)	548,132					375		548,507	38.64
Provincial and Territorial Governments	453,108		31,387		9,580	85,927		580,002	40.86
Federal Government	49,399		8,842			51,356	296	109,893	7.74
Non-Government	30,259	41,942	2,525	3,625	326	102,229		180,942	12.74
All Sources	1,080,898	41,942	42,754	3,625	9,906	239,887	296	1,419,344	

*Source: Dominion Bureau of Statistics, Education Division. Preliminary Statistics of Education, 1960-61 (Ottawa: Queen's Printer, June, 1961), pp. 37-38.

TABLE VI

TOTAL EXPENDITURES ON FORMAL EDUCATION AND VOCATIONAL TRAINING IN RELATION TO GROSS NATIONAL EXPENDITURE AND TOTAL PERSONAL INCOME

Year	Gross National Expenditure	Formal Education	Vocational Education	Total Dollars	Formal Education	Vocational Education	Total	Total Personal Income	Formal Education	Vocational Education	Total
	(Amounts in millions of dollars)				(Percentages			(Millions of dollars)	(Percentages)		
1931	4,699	-	-	145	-	-	3.09	3,615	-	-	4.01
1941	8,328	-	-	130	-	-	1.56	5,851	-	-	2.22
1946	11,850	-	-	242	-	-	2.04	9,791	-	-	2.47
1951	21,170	516	-	-	2.44	-	-	15,824	3.26	-	-
1954	24,871	689	24	713	2.77	.10	2.87	18,421	3.74	.13	3.87
1955	27,132	781	26	807	2.88	.10	2.98	19,738	3.96	.13	4.09
1956	30,585	878	31	909	2.87	.10	2.97	21,885	4.01	.14	4.15
1957	31,773	1,049	39	1,088	3.30	.12	3.42	23,024	4.56	.17	4.72

Source: Canada, Dominion Bureau of Statistics: Educational Division, Survey of Education Finance, 1957 (Ottawa: Queen's Printer, September, 1961), pp. 8-9.

TABLE VII

PROPORTION OF SCHOOL BOARD EXPENDITURES BORNE BY PROVINCIAL GOVERNMENTS - 1936, 1947 1954, 1955, 1956, 1957*

	Percentage					
	1936	1947	1954	1955	1956	1957
Newfoundland	-	-	83	78	79	79
Prince Edward Island	54	50	51	55	56	53
Nova Scotia	19	42	44	42	50	48
New Brunswick	17	31	41	44	38	37
Quebec	6	40	27	27	28	29
Ontario	11	39	35	33	32	34
Manitoba	14	22	33	30	29	29
Saskatchewan	19	27	28	29	30	39
Alberta	15	29	33	48	46	52
British Columbia	28	41	34	55	52	49
Nine Provinces**	20	36	33	37	36	38

**Newfoundland excluded to maintain comparability.

* Source: Survey of Educational Finance 1957, Dominion Bureau of Statistics - Education Division (Ottawa: Queen's Printer, September, 1961).

TABLE VIII

SUMMARY OF FEDERAL CONTRIBUTIONS TO THE PROVINCES
FOR THE FISCAL YEARS 1949-50 TO 1959-60*
(Thousands of Dollars)

		1949-50	1950-51	1951-52	1952-53	1953-54	1954-55	1955-56	1956-57	1957-58	Preliminary Estimated 1958-59	1959-60	Total
1. Newfoundland*	(a)	13,285	15,260	15,864	20,106	18,355	18,256	17,361	17,838	19,244	40,847	36,587	233,003
	(b)	1,858	6,704	5,015	2,404	2,848	4,330	5,278	6,573	6,004	14,576	16,974	72,564
	(c)	-	-	196	235	209	199	253	415	459	790	675	3,431
	(d)	13,038	14,266	14,568	21,588	24,618	26,960	23,275	30,515	38,811	44,071	26,760	278,470
Total		28,181	36,230	35,643	44,333	46,030	49,745	46,167	55,341	64,518	100,284	80,996	587,468
2. Prince Edward Island	(a)	2,403	2,746	2,832	4,631	4,344	4,613	4,390	3,766	4,845	7,483	7,479	49,532
	(b)	1,154	1,403	1,504	827	644	528	1,180	1,125	2,052	3,159	4,192	17,768
	(c)	-	-	49	52	53	53	80	157	175	239	154	1,012
	(d)	2,916	3,049	3,806	6,434	6,847	7,137	6,387	7,613	9,469	10,859	7,805	72,322
Total		6,473	7,198	8,191	11,944	11,888	12,331	12,037	12,661	16,541	21,750	19,630	140,634
3. Nova Scotia	(a)	11,761	13,572	14,736	22,540	21,845	22,832	22,269	24,628	28,865	37,416	40,702	261,166
	(b)	7,838	8,324	7,295	2,616	3,186	3,519	4,391	4,819	8,154	12,990	22,480	85,612
	(c)	-	233	646	711	795	931	1,403	1,889	2,594	2,963	1,094	13,259
	(d)	20,560	21,021	24,456	40,000	44,108	46,980	40,660	47,734	59,554	70,508	48,100	463,681
Total		40,159	43,150	47,133	65,867	69,934	74,262	68,723	79,070	99,167	123,877	112,376	823,718
4. New Brunswick	(a)	9,275	12,027	11,275	19,382	18,140	18,942	18,517	19,714	23,153	31,645	34,543	216,613
	(b)	6,167	6,610	7,280	3,793	4,639	4,198	4,997	8,742	9,559	18,624	23,966	98,575
	(c)	-	78	374	438	481	493	1,642	1,974	1,696	2,361	889	10,426
	(d)	17,764	18,035	20,202	33,210	36,418	39,164	33,251	41,987	53,714	60,087	38,850	392,682
Total		33,206	36,750	39,131	56,823	59,678	62,797	58,407	72,417	88,122	112,717	98,248	718,296
5. Quebec	(a)	2,867	4,114	3,860	4,211	5,421	4,962	4,310	4,487	48,036	60,586	67,246	210,100
	(b)	27,636	34,954	30,191	17,068	19,579	19,186	22,045	23,544	24,801	39,785	49,405	308,194
	(c)	-	53	2,043	40	139	310	886	5,798	7,182	10,035	7,527	34,013
	(d)	125,673	132,052	148,995	223,696	249,479	274,346	230,035	282,259	357,432	421,325	272,200	2,717,492
Total		156,176	171,173	185,089	245,015	274,618	298,804	257,276	316,088	437,451	531,731	396,378	3,269,799
6. Ontario	(a)	3,155	3,970	4,271	127,442	139,186	147,730	143,560	165,627	79,353	98,553	110,906	1,023,753
	(b)	34,545	39,489	38,824	20,704	18,012	23,619	22,877	25,588	37,564	78,287	156,961	496,470
	(c)	450	782	3,705	4,022	4,685	4,539	6,816	10,414	14,035	18,743	8,943	77,134
	(d)	107,271	110,706	148,014	256,241	281,948	328,473	279,125	327,346	430,229	503,166	366,050	3,138,569
Total		145,421	154,947	194,814	408,409	443,831	504,361	452,378	528,975	561,181	698,749	642,860	4,735,926
7. Manitoba	(a)	12,735	15,956	16,654	28,174	27,363	28,081	27,590	29,972	34,443	35,655	39,689	296,312
	(b)	7,203	20,366	7,070	3,994	5,026	5,808	5,639	8,511	8,378	18,514	24,855	115,364
	(c)	-	21	405	463	444	428	488	1,638	1,900	2,849	1,341	9,977
	(d)	19,890	21,453	25,991	42,567	46,259	50,956	45,333	53,302	65,123	74,804	59,300	504,978
Total		39,828	57,796	50,120	75,198	79,092	85,273	79,050	93,423	109,844	131,822	125,185	926,631
8. Saskatchewan	(a)	14,702	17,521	18,587	28,193	27,338	28,779	28,105	29,562	35,217	36,437	40,503	304,944
	(b)	7,521	8,348	8,046	5,030	5,558	6,327	6,804	7,723	8,946	18,891	26,286	109,480
	(c)	-	34	432	434	438	458	495	1,165	1,504	2,058	1,368	8,386
	(d)	21,506	22,194	26,290	41,697	44,364	48,727	46,340	52,411	63,043	72,330	61,715	500,617
Total		43,729	48,097	53,355	75,354	77,698	84,291	81,744	90,861	108,710	129,716	129,872	923,427
9. Alberta	(a)	14,400	17,595	17,719	35,440	33,326	35,702	35,746	41,352	47,890	50,831	57,694	387,695
	(b)	6,719	8,112	9,224	5,652	6,514	6,148	6,640	7,000	12,227	23,419	31,143	122,798
	(c)	-	94	472	550	594	596	785	1,453	2,205	3,478	1,851	12,078
	(d)	22,980	24,890	29,534	46,250	52,296	58,765	53,968	62,069	78,883	91,546	74,400	595,581
Total		44,099	50,691	56,949	87,892	92,730	101,211	97,139	111,874	141,205	169,274	165,088	1,118,152
10. British Columbia	(a)	19,342	21,160	21,413	48,579	45,650	49,145	49,096	58,426	61,589	67,553	71,169	513,122
	(b)	15,107	15,235	15,514	8,852	9,472	9,931	9,278	17,491	28,161	44,548	61,658	235,247
	(c)	-	78	688	688	763	756	926	1,994	2,940	4,561	2,379	15,773
	(d)	34,637	34,500	44,822	80,173	88,784	94,977	81,601	101,800	139,313	163,852	113,800	978,259
Total		69,086	70,973	82,437	138,292	144,669	154,809	140,901	179,711	232,003	280,514	249,006	1,742,401
Grand Total		606,358	677,005	752,862	1,209,127	1,300,168	1,427,884	1,293,822	1,540,421	1,858,742	2,300,424	2,019,639	14,986,452

*Canada, House of Commons, Debates (Ottawa: Queen's Printer, 1959), pp. 6388-6389.

**The following items are included in the above subsections (a) to (d) respectively.

(a) Unconditional Grants

1. Statutory Subsidies
2. Tax Rental
3. Equalization
4. Stabilization
5. Fifty Percent Share of Income Tax on Power Utilities
6. Atlantic Provinces Adjustment Grant - Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, only.
7. Term 29 Award - Newfoundland only.
8. Transitional Grant - Newfoundland only.

(b) Conditional Grants

1. Agriculture
2. Health
3. Hospital Insurance
4. Welfare
5. Vocational Training, etc.
6. Highways and Transportation
7. Resource Development
8. Slum Clearance
9. Civil Defence
10. Other

(c) Payments for the Benefit of Provincial Institutions

1. University Grants
2. Grants to Municipalities in Lieu of Taxes on Federal Property

(d) Payments to Individuals

1. Old Age Security
2. Family Allowances
3. Unemployment Insurance Benefits

TABLE IX

TOTAL EXPENDITURE ON EDUCATION IN CANADA, SHOWING SOURCES OF FUNDS, 1959*

Sources of Funds	Elementary and Secondary Level Publicly Controlled	Elementary and Secondary Level Privately Controlled	Vocational Education	Business Colleges	Teachers' Colleges	Higher Education	Other Formal Education	Total
A. Local Government Taxation				(Thousands of dollars)				
Newfoundland	205							205
Prince Edward Island	1,280							1,280
Nova Scotia	15,601					48		15,649
New Brunswick	16,701							16,701
Quebec	125,067							125,067
Ontario	229,851					293		230,144
Manitoba	26,008					14		26,022
Saskatchewan	35,804							35,804
Alberta	45,785							45,785
British Columbia	51,614					20		51,634
Yukon	96							96
North West Territories	120							120
Total	548,132					375		548,507
B. Provincial and Territorial Governments								
Newfoundland	13,890		462	320	686			15,358
Prince Edward Island	1,775		164	36	222			2,197
Nova Scotia	18,458		649	595	2,044			21,746
New Brunswick	10,023		911	272	1,142			12,348
Quebec	80,216		16,846	4,086	17,873			119,021
Ontario	169,123		5,572	2,733	31,923			209,351
Manitoba	21,110		378	61	3,250			24,799
Saskatchewan	27,370		1,304	841	5,221			34,736
Alberta	54,130		3,100	633	16,988			74,851
British Columbia	55,882		2,001		6,571			64,454
Yukon	523			3	2			528
North West Territories	608				5			613
Total	453,108		31,387	9,580	85,927			580,002
C. Federal Government								
Indian Education	25,097							25,097
Education in North West Territories	8,383							8,383
Servicemen's Dependents	10,322							10,322
Canadian Vocational Training	2,456		5,480			208		8,144
Other	3,141		3,362			51,148	296	59,947
Total	49,399		8,842			51,356	296	109,893
D. Non-Government	30,259	41,942	2,525	3,625	362	102,229		180,942
E. All Sources	1,080,898	41,942	42,754	3,625	9,942	239,887	296	1,419,344

*Dominion Bureau of Statistics, Education Division, Survey of Educational Finance (Ottawa: Queen's Printer, September, 1961), p.10.

TABLE X

LOCAL TAXATION FOR SCHOOL PURPOSES
1947 AND 1957*

	1947	1957	Increase Amount	Per cent of 1947 Levies
	(thousands of dollars)			
Newfoundland**	-	2,412	-	-
Prince Edward Island	316	1,000	684	126
Nova Scotia	4,524	13,216	8,692	192
New Brunswick	3,375	13,453	10,078	299
Quebec	28,124	106,655	78,531	279
Ontario	46,310	188,722	142,412	307
Manitoba	9,552	23,472	13,920	146
Saskatchewan	12,568	32,270	19,702	157
Alberta	13,290	35,678	22,388	168
British Columbia	9,924	36,766	26,842	270
Nine Provinces	127,983	451,232	323,249	253

*Dominion Bureau of Statistics, Education Division, Survey of Educational Finance (Ottawa: Queen's Printer, September, 1961), p. 11

** Newfoundland has been excluded from the total to maintain comparability; school support has been mostly from fees and contributions. Public taxation for schools amounted to approximately $30,000 in 1957.

TABLE XI

CONTRIBUTIONS TO FORMAL EDUCATION BY THE FEDERAL GOVERNMENT, CANADA, FOR THE FISCAL YEAR ENDING MARCH 31, 1958.*

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	North West Territories	Overseas and Undistributed	Total
	(Thousands of dollars)													
I. Elementary and Secondary Education														
A. Armed Forces Dependents' Education														
1. Department of National Defence Schools														
a. Teachers' Salaries	85	65	382	91	456	1,156	484	100	548	159	-	-	923**	4,449
b. Other Current Operations	30	24	137	32	163	556	173	36	196	57	-	-	196**	1,600
c. Equipment (estimated)	-	106	26	112	88	37	14	42	5	-	-	-	-	430
d. Construction	8	534	1,502	224	852	392	124	975	8	-	-	-	6	4,625
2. Payments to other Authorities	-	1	28	17	148	209	2	13	18	114	173	-	-	723
Total (A)	123	730	2,075	476	1,707	2,350	797	1,166	775	330	173	-	1,125	11,827
B. Vocational Schools Operations	-	-	100	136	-	2	156	106	-	195	-	3	-	698
C. School Health Services	90	-	-	-	45	22	84	-	-	-	-	-	-	241
D. Films, Filmstrips, School Broadcasts	17	2	12	10	-	135	7	8	11	14	-	-	1,530	1,746
E. Payments for other children on Crown Lands	214	12	-	13	176	-	-	-	5	-	1	-	-	421
F. Correspondence Courses	-	-	-	-	-	2	-	-	-	-	-	-	27	29
G. Education of Indians in the Provinces and Yukon*+														
1. Federal Schools														
a. Teachers' Salaries	-	7	118	65	362	760	628	646	633	664	31	-	-	3,914
b. Other Current Operations	-	6	35	31	220	481	367	452	389	397	52	-	412	2,842
c. Construction - Day Schools	-	-	5	5	163	700	337	300	415	691	-	-	-	2,616
- Residential Schools	-	-	-	-	3	257	663	66	949	347	-	-	-	2,285
d. Administration and Inspection	-	-	-	-	-	7	6	-	-	4	-	-	212	229
e. Operational Cost of Denominational Schools	-	-	47	-	274	696	447	630	915	949	92	-	-	4,050
f. Payments to other authorities - Public	-	3	27	9	94	316	88	83	193	431	57	-	-	1,301
- Private	-	1	7	28	3	9	-	25	8	19	-	-	-	100
Total (G)	-	17	239	138	1,119	3,226	2,536	2,202	3,502	3,502	232	-	624	17,337
H. Education of Eskimos and Indians in the Northwest Territories and Eastern Arctic++														
1. Federal Schools														
a. Teachers' Salaries	-	-	-	-	-	-	-	-	-	-	-	658	-	658
b. Other Current Operations	13	-	-	-	-	-	-	-	-	-	-	997	-	1,010
c. Equipment	-	-	-	-	-	-	-	-	-	-	-	31	-	31
d. Construction	-	-	-	-	-	-	-	-	-	-	-	4,858	-	4,858
Total (H)	13	-	-	-	-	-	-	-	-	-	-	6,544	-	6,557
Total I.	457	761	2,426	773	3,047	5,737	3,580	3,482	4,293	4,041	406	6,547	3,306	38,856
II. Teacher Training Fees for Indian Students	-	-	-	-	3	2	2	2	-	-	-	-	-	9
III. Higher Education														
A. Universities and Colleges														
1. General Grants	426	99	703	565	4	6,045	863	879	1,160	1,495	-	-	4,754+**	16,993
2. Capital Grants	-	-	50	317	-	1,181	71	76	-	700	-	-	-	2,395
B. Health Grants and Projects	-	-	43	23	527	169	-	13	15	-	-	-	-	790
C. Extension Work Through Universities	-	-	52	-	27	-	-	-	-	11	-	-	-	90
D. Research Grants	5	-	121	-	1,985	2,390	298	429	213	738	-	-	-	6,179
E. Defence Colleges - operations	-	-	-	-	1,600	1,397	-	-	-	875	-	-	-	3,872
- construction	-	-	-	-	14	80	-	-	-	227	-	-	-	321
F. Scholarships and Student Aid	10	6	13	19	153	131	23	40	10	53	-	-	1,441	1,899
G. Fees and Grants for Veterans and Children of War Dead	-	-	15	8	8	35	4	4	7	18	-	-	-	99
H. Living Allowances for Veterans and Children of War Dead	-	-	-	-	-	-	-	-	-	-	-	-	167	167
I. Other	-	1	5	3	17	8	2	3	1	4	-	-	1	45
Total III.	441	106	1,002	935	4,335	11,436	1,261	1,444	1,406	4,121	-	-	6,363	32,850
IV. Other														
A. Education of Veterans and Children of War Dead not included above	-	-	-	-	-	-	-	-	-	-	-	-	33	33
B. Academic Education in Penitentiaries	-	-	-	-	-	-	-	-	-	-	-	-	87	87
C. Educational Statistics	-	-	-	-	-	-	-	-	-	-	-	-	112	112
Total IV.	-	-	-	-	-	-	-	-	-	-	-	-	232	232
Total - Formal Education	898	867	3,428	1,708	7,385	17,175	4,843	4,928	5,699	8,162	406	6,547	9,901	71,947

*Dominion Bureau of Statistics, Education Division, Survey of Educational Finance, 1957 (Ottawa: Queen's Printer, September, 1961), pp. 22,23.

**Overseas schools.

*+Indians and Eskimos in Newfoundland have full citizenship rights.

++After deduction of territorial contributions to federal schools.

+**Per capita grants intended for Quebec Universities--held in trust by Canadian Universities Foundation.

TABLE XII

FEDERAL GOVERNMENT GRANTS AVAILABLE TO UNIVERSITIES, FISCAL YEARS 1951-52 TO 1959-60*

		1951-52	1952-53	1953-54	1954-55	1955-56	1956-57*+	1957-58	1958-59	1959-60	Total
Grant/capita		.50	.50	.50	.50	.50	1.00	1.00	1.50	1.50	
1. Newfoundland	(1)**	180,700	187,000	191,500	199,000	206,000	415,074	426,000	657,000	673,500	3,135,774
2. Prince Edward Island	(2)	49,200	51,500	53,000	52,500	54,000	99,285	99,000	150,000	153,000	761,485
3. Nova Scotia	(13)	321,250	326,500	331,500	336,500	341,500	694,717	702,000	1,065,000	1,074,000	5,192,967
4. New Brunswick	(6)	257,800	263,000	268,000	273,500	279,000	554,616	565,000	865,500	885,000	4,211,416
5. Quebec++	(11)	2,027,800	-	-	-	-	4,628,378	4,758,000	7,326,000	7,498,500	26,238,678
6. Ontario	(36)	2,298,750	2,383,000	2,448,500	2,523,000	2,591,500	5,404,933	5,622,000	8,704,500	8,928,000	40,904,183
7. Manitoba	(8)	388,250	399,000	404,500	414,000	424,500	850,040	860,000	1,305,000	1,327,500	6,372,790
8. Saskatchewan	(15)	415,850	421,500	430,500	439,000	444,500	880,665	879,000	1,332,000	1,353,000	6,596,015
9. Alberta	(7)	469,750	485,000	501,000	519,500	533,000	1,123,116	1,160,000	1,801,500	1,864,500	8,457,366
10. British Columbia	(5)	582,600	599,000	615,000	633,000	652,500	1,398,464	1,487,000	2,316,000	2,355,000	10,638,564
Total		6,991,950	5,115,500	5,243,500	5,390,000	5,526,500	16,049,288	16,558,000	25,522,500	26,112,000	112,509,238

*Canada, Debates of the Senate, 1960 (Ottawa: Queen's Printer, 1960), p.603.

**Numbers in brackets indicate number of institutions accepting aid in each province.

*+Commencing in 1956-57, the National Conference of Canadian Universities undertook the distribution of grants.

++The amounts made available to the Universities of Quebec but not accepted amounted in 1952-53 to $2,087,000; in 1953-54 to $2,134,500; in 1954-55 to $2,194,000; and in 1955-56 to $2,260,000. These amounts lapsed at the conclusion of the relevant fiscal year. Subsequent to 1955-56 the amounts for Quebec Universities have been held in trust by the National Conference of Canadian Universities.

TABLE XIII

COMPARISON OF $1.50 PER CAPITA GRANT TO UNIVERSITIES WITH THE YIELD OF A ONE PER CENT CORPORATION INCOME TAX, FISCAL YEAR 1960-61*

	Newfound-land	Prince Edward Island	Nova Scotia	New Bruns-wick	Quebec	Ontario	Manitoba	Saskat-chewan	Alberta	British Columbia	Total
1. Population 1959 D.B.S. Estimate	449,000	102,000	716,000	590,000	4,999,000	5,952,000	885,000	902,000	1,243,000	1,570,000	17,408,000
2. Amount Available to Institutions of Higher Learning in each Province (Provincial Population x $1.50)	673,500	153,000	1,074,000	885,000	7,498,500	8,928,000	1,327,500	1,353,000	1,864,500	2,355,000	26,112,000
3. One-ninth of Standard Corporation Income Tax Based on the First Estimate of Standard Taxes, Equali-zation and Stabilization for Fiscal Year, 1960-61, dated January 8, 1960	354,000	55,000	729,000	517,000	9,849,000	15,706,000	1,380,000	1,020,000	2,554,000	3,416,000	35,580,000
4. One-ninth of Standard Corporation Income Tax (=1% Corporation Taxable Income) Equivalent Per Capita to	.79	.54	1.02	.88	1.97	2.64	1.56	1.13	2.05	2.18	
5. Amount by which the Federal Government Would have to Augment the 1% Corporation Income Tax Abatement	319,500	98,000	345,000	368,000	-	-	-	333,000	-	-	1,463,500
6. Amount of the 1% Cor-poration Income Tax Abate-ment which the Federal Government would have to Recover	-	-	-	-	2,350,500	6,778,000	52,500	-	689,500	1,061,000	10,931,500

*Canada, Debates of the Senate, May 26, 1960 (Ottawa: Queen's Printer, 1960), p.679.

APPENDICES

APPENDIX A

THE BRITISH NORTH AMERICA ACT, 1867

British Statutes, 30 Victoria, Chapter 3.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

(29th March, 1867.)

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:

And whereas it is expedient that Provision be made for the eventual admission into the Union of other Parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Preliminary.

1. This Act may be cited as the British North America Act, 1867.

2. The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II. Union.

3. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly.

4. The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the Day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is

otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

6. The Parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The Part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the Part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same Limits as at the passing of this Act.

8. In the general Census of the Population of Canada which is hereby required to be taken in the Year One thousand eight hundred and seventy-one, and in every Tenth Year thereafter, the respective Populations of the Four Provinces shall be distinguished.

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VI. Distribution of Legislative Powers.

Powers of the Parliament.

91. It shall be lawful for the Queen by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.

12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country or between Two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the Issue of Paper Money.
16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penetentiaries.
29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Exclusive Powers of Provincial Legislatures.

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated, that is to say,—

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor.
2. Direct Taxation within the Province in order to the Raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.

8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licenses in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
10. Local Works and Undertaking other than such as are of the following Classes:—
(a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:
(b) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.
11. The Incorporation of Companies with Provincial Objects.
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province.

Education.

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:—

1. Nothing in any such law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
2. All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
3. Where in any Province a System of Separate or Dissentient Schools exists by the Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:
4. In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision

of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

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Agriculture and Immigration

95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

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133. Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

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XI. Admission of Other Colonies.

146. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-western Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

APPENDIX B

THE BRITISH NORTH AMERICA ACT, 1871

British Statutes, 34-35 Victoria, Chapter 28.

An Act respecting the establishment of Provinces in the Dominion of Canada

(29th June, 1871.)

Whereas doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in Territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is eapedient to remove such doubts, and to vest such powers in the said Prliament:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited for all purposes as The British North America Act, 1871.

2. The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament.

3. The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province.

5. The following Acts passed by the said Parliament of Canada, and intitled respectively, - "An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada"; and "An Act to amend and continue the Act thirty-two and thirty-three

Victoria, chapter three, and to establish and provide for the government of "the Province of Manitoba," shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen's name, of the Governor General of the said Dominion of Canada.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned Act of the said Parliament in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualifications of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.

APPENDIX C

THE BRITISH NORTH AMERICA ACT, 1940

British Statutes, 3-4 George VI, Chapter 36.

An Act to include Unemployment Insurance among the classes of subjects enumerated in Section Ninety-one of the British North America Act, 1867.

(10th July, 1940)

Whereas the Senate and Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:-

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1. Section ninety-one of the British North America Act, 1867, is amended by inserting therein, after item 2 "The regulation of trade and commerce", the following item:-

"2A. Unemployment insurance."

2. This Act may be cited as the British North America Act, 1940, and the British North America Acts, 1867 to 1930, the British North America Act, 1907, and this Act may be cited together as the British North America Acts, 1867 to 1940.

APPENDIX D

THE BRITISH NORTH AMERICA (No. 2) ACT, 1949

British Statutes, 13 George VI, Chapter 81.

An Act to amend The British North America Act, 1867, as respects the amendment of the Constitution of Canada.

(16th December, 1949)

Whereas the Senate and the House of Commons of Canada in Parliament assembled have submitted an Address to His Majesty praying that His Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. Section ninety-one of the British North America Act, 1867 is hereby amended by renumbering Class 1 thereof as Class 1A and by inserting therein immediately before that Class the following as Class 1:—

"1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least one each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House; provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House."

2. This Act may be cited as The British North America (No. 2) Act, 1949, and shall be included among the Acts which may be cited as The British North America Acts, 1867 to 1949.

APPENDIX E

THE STATUTE OF WESTMINSTER, 1931

British Statutes, 22 George V, Chapter 4.

An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930.

(11th December, 1931.)

Whereas the delegates to His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences:

And whereas it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion:

And whereas it is necessary for the ratifying, confirming and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and enacted in due form by authority of the Parliament of the United Kingdom:

And whereas the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

Now, therefore, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that the Dominion has requested, and consented to, the enactment thereof.

5. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1984, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

6. Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

7. (1) Nothins in this Act shall be deemed to apply to the repeal, amentment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada

or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

9. (1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia, in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.

10. (1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in sub-section (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand, and Newfoundland.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

12. This Act may be cited as the Statute of Westminster, 1931.

APPENDIX F

Total Contribution of the Federal Government to All Forms of Education in Canada during the Fiscal Years Ending March 31, 1959 and estimated for March 31, 1960.

Adapted from Senate Debates, June 3, 1959. On a Question by Hon. W. W. Wall. Answer supplied by Hon. W. Aseltine in an Appendix to the day's debates. pp. 732 - 738.

	Expenditures 1958-59	Estimated Expenditures 1959-60
A. Department of Citizenship and Immigration		
1. Contributions to education of Indians	$ 21,980,183.14*	$ 25,097,354.00
2. Additional Contributions to Education:		
- Citizenship Branch		
(a) Grants to provinces in support of citizenship and language instruction costs for immigrants:	248,062.19*	252,000.00
(b) Cost of language text purchased for free distribution:	125,055.00*	131,700.00
(c) Grants to Universities		
(i) National Conference of Canadian Universities (Hungarian program):	1,500.00	
(ii) University of Toronto (Mr. W.J.Morris, research):	2,000.00	
(iii) University of Alberta (Linguistics Seminar):	1,777.90	
(iv) University of Toronto (Linguistics Seminar):	476.00	
- Immigration Branch Contribution to the University of British Columbia on behalf of the Sopron Forestry Faculty:	84,000.00	
	22,443,054.23	25,481,054.00

(*These figures are subject to change on final audit.)

	Expenditures 1958-59	Estimated Expenditures 1959-60
B. Department of Defence Production		
1. Department of Defence Production	$ - -	$ - -
2. Crown Assets Disposal Corporation	- -	- -
3. Canadian Arsenals Limited	- -	- -
4. Canadian Commercial Corporation	- -	- -
5. Defence Construction (1951) Limited	- -	- -
6. Polymar Corporation Limited	9,750.00	30,750.00
Total	9,750.00	30,750.00
C. Department of External Affairs		
By February 28, 1959, has been paid in stipends and travel expenses to complete the obligations initiated in the preceding fiscal year under the Canadian Government Overseas Awards program, which was not renewed for the 1958-59 fiscal year.	37,289.22	- -
Total	37,289.22	- -
D. Department of Finance	25,522,500.00	26,221,500.00
Total	25,522,500.00	26,221,500.00

E. Department of Fisheries

Amount spent to Feb.1959:-

	Amount voted 1958-59		
(a) Research Board Scholarships and Grants:	25,000.00	28,840.00	25,000.00
(b) Extension Work on Cooperatives:	90,000.00	73,262.00	90,000.00
	115,000.00	102,102.00	115,000.00

F. Department of Labor

1. The total disbursement of the Federal Department of Labor to all forms of education in Canada was:		
(a) Vocational training (payable to all provinces):	4,480,306.00	9,525,700.00
(b) Frontier College:	8,000.00	10,000.00
Total	4,488,306.00	9,535,700.00

	Expenditures 1958-59	Estimated Expenditures 1959-60
G. Department of Mines and Technical Surveys		
1. Grants in aid of Geographical surveys to March 18, 1959:	50,000.00	50,000.00
2. Grants to U.B.C. in aid of research in foreign Geography:	3,500.00	3,500.00
	53,500.00	53,500.00
H. Department of National Defence		
Additional Contributions to Education		
(a) Fellowships:	11,075.00	10,000.00
(b) Grants in aid of research:	1,414,115.00	1,546,990.00
(c) Expenditures related to the education of dependents of Service and D.R.B. personnel including teachers' salaries, books and supplies, non-resident school fees, construction costs, assistance or rental of school buildings and sundry school operating costs (estimated):	7,791,077.00	10,333,976.00
	9,216,267.00	11,890,966.00
I. Department of National Health and Welfare		
1. Under the terms of the National Health Program, federal assistance toward the cost of bursaries, refresher courses and the development of new or extended training and facilities for health personnel amounted, under the Professional Training Grant, to:	462,060.00*	198,860.00
- and under the health grants to:	1,725,160.00*	1,498,235.00
2. Research	nil	nil
3. Federal expenditures on health and welfare educational materials including publications, films, filmstrips, radio programs, displays, posters and other visual material totalled:	467,952.00*	550,000.00
4. Costs of the Civil Defence College which trains Civil Defence personnel in the development of Civil Defence plans and techniques and instructors for local civil defence authorities totalled:	852,078.00*	811,000.00
	3,507,250.00	3,058,095.00

(*Not final)

	Expenditures 1958-59	Estimated Expenditures 1959-60

J. National Library

The answer to this question will vary depending upon the way the word education is defined.
The National Library gathers books and other library materials that, with certain exceptions, are available for the use of scholars anywhere in Canada; it maintains a union catalogue that enables scholars and others to locate books that are in any one of 130 libraries in the ten provinces; it compiles and publishes a monthly catalogue of new publications that relate to Canada, and also publishes other bibliographies and check-lists. If these activities are deemed to be educational, virtually the whole of the appropriations made available to the Library may be considered to be an expenditure on education.

If, on the other hand, a more formal definition is intended, few of the activities of the National Library could be termed educational. It offers no courses of study or instruction, and has no direct relationship with any educational institutions.

K. Department of Northern Affairs and National Resources

1. Additional Contributions		
(a) Grant to the Arctic Institute of North America, a non-profit organization established to encourage and support scientific research in the arctic regions	$ 10,000.00	$ 10,000.00
(b) Grants to assist postgraduate work of special northern significance	9,678.00	5,000.00
(c) Contracts for postgraduate work of special northern significance	6,140.00	15,000.00
(d) Salaries to university postgraduate research workers employed during the summer on a seasonal basis	5,870.00	4,890.00
2. Indians and Eskimos There is no detailed accounting kept for expenditures on behalf of Indians and Eskimos; however, during the fiscal year 1,139 Eskimos and 898 Indians are being educated at approximately:	$ 6,500,000.00	9,900,000.00
	6,531,688.00	9,934,890.00

	Expenditures 1958-59	Estimated Expenditures 1959-60

L. Public Archives

The answer to this question will vary, depending upon the way the word education is defined.
The Public Archives furnishes historical information to many individuals, provides research facilities for historians and others, and gathers documents, pictures, maps, etc., relating to the history of Canada. If these activities are deemed to be educational, a substantial proportion of the appropriation of the department may be considered to be an expenditure on education.

If, on the other hand, a more formal definition is intended, very few of the activities of the Archives could be termed educational. It offers no courses of study or instruction, and has no affiliation or direct relationship with any educational institution. However, the department does furnish copies of documents, pictures, maps, etc., to teachers, and many of these are used for classroom exhibits and for other instructional purposes.

M. Royal Canadian Mounted Police

1. No direct contributions have been made to any forms of education but tuition fees have been paid for certain members of the Force attending universities and also payment of school fees for children of members of the Force stationed in the Yukon:		
- University courses	$ 10,402.00	9,205.00
- School fees	1,350.00	1,350.00
Total	11,752.00	10,555.00

N. Department of Trade and Commerce

1. National Research Council Forecast of Expenditures for fiscal year ending March 31, 1959		
(a) Research grants to university professors	4,365,620.00	6,169,825.00
(b) Scholarships for graduate students	1,045,579.00	1,353,300.00
(c) Special activities	298,454.00	371,185.00
(d) Travel assistance for professors and students	40,000.00	52,000.00
	5,749,653.00	7,946,310.00

	Expenditures 1958-59	Estimated Expenditures 1959-60
N. Department of Trade and Commerce (continued)		
2. Atomic Energy of Canada Ltd. Atomic Energy Research Grants. Atomic Energy of Canada Limited does not make any direct contributions to education. It does enter in contracts with universities for research on specific subjects.		
3. Atomic Energy Control Board. Atomic Energy Research Grants:	$ 400,000.00	650,000.00
Total	400,000.00	650,000.00
O. Department of Transport		
1. Transport Department		
(a) Grants to schools of navigation and seamanship	11,126.00	12,935.00
(b) Contribution toward operation of marine engineering schools	36,350.00	30,000.00
2. National Harbours Board Annual grant to the Province of Manitoba for the purpose of defraying a portion of the cost of operating and maintaining the school at Churchill, Manitoba	6,000.00	6,000.00
Total	53,476.00	48,935.00
P. Department of Veterans Affairs		
Estimated for Fiscal Year 1958-59		
1. University grants	none	none
2. Veterans assistance		
(a) University	81,000.00	49,000.00
(b) Vocational	56,200.00	55,000.00
3. Additional contributions to education not listed above - Training under Children of War Dead (Education Assistance) Act	310,000.00	481,000.00
Total	447,200.00	585,000.00

	Expenditures 1958-59	Estimated Expenditures 1959-60
Q. Central Mortgage and Housing Corporation		
1. Expenditures for education in Canada April 1, 1958 to March 31, 1959 (Note: These expenditures were recovered from the Minister of Public Works under Part V, NHA 1954)	$ 27,568.68	8,000.00
Total	27,568.68	8,000.00
Grand Total:	$ 78,601,356.13	95,570,255.00

APPENDIX G

SUBJECT AND FREQUENCY OF STATUTES ON FEDERAL AID TO EDUCATION BY YEAR AND POLITICAL PARTY IN POWER 1867 - 1960

Party in Power	Year	Land Grants	Indian Education*	Vocational Education**	National Defence	Higher Education	Dominion-Provincial Relations
Conservative	1867	1					
	1868		1				
	1870	1					
	1871	1					
	1872	1					
	1873	1	1				
Liberal	1876				1	1	
	1877					1	
Conservative	1879	1					
	1880	1	1				
	1882					1	
	1883	1					
	1884		1				
	1891	1					
	1894		1				
Liberal	1905	1					
	1906	1	1			1	
	1908	1					
	1909				1		
	1910			1			
Conservative	1912			1			
	1913			1			
	1914		1				
	1915				1		
	1916					1	
	1917					1	1



Party in Power	Year	Land Grants	Indian Education*	Vocational Education**	National Defence	Higher Education	Dominion-Provincial Relations
Unionist	1919			1			
	1920		1				
Liberal	1927	1	1		1		
	1928	1					
	1929	1		1			
	1930	1	1		1		
Conservative	1931			1			
	1933		1				
	1934			1			
Liberal	1936			1	1		
	1937			1			
	1938		1	1		1	
	1939			1			
	1940			1	1	1	
	1941						1
	1942			1			1
	1944				1		
	1945			1	1		
	1946		1		1	1	1
	1947						1
	1948			1			
	1951	1	1			1	
	1953				1		
	1954			1			
	1956					1	
Conservative	1957					1	
	1958		1		1		1
	1959				1		1
	1960					1	1

* Includes education of the Eskimo.
** Includes initial legislation on Agricultural Education.



APPENDIX H

PARLIAMENTS AND MINISTRIES
FEDERAL GOVERNMENT CANADA
1867 - 1960

Parliament	Session	Opening	Prorogation	Ministry
1	1	November 6, 1867	May 22, 1868	Rt.Hon. Sir John A. Macdonald (Conservative) July 1, 1867 to November 5, 1873.
	2	April 15, 1869	June 22, 1869	
	3	February 15, 1870	May 12, 1870	
	4	February 15, 1871	April 14, 1871	
	5	April 11, 1872	June 14, 1872	
	Dissolved: July 8, 1872			
2	1	March 5, 1873	August 13, 1873	
	2	October 23, 1873	November 7, 1873	
	Dissolved: January 2, 1874			
3	1	March 26, 1874	May 26, 1874	Hon. A. Mackenzie (Liberal) November 7, 1873 to October 16, 1878.
	2	February 4, 1875	April 8, 1875	
	3	February 10, 1876	April 12, 1876	
	4	February 8, 1877	April 28, 1877	
	5	February 7, 1878	May 10, 1878	
	Dissolved: August 16, 1878			
4	1	February 13, 1879	May 15, 1879	Rt.Hon. Sir John A. Macdonald (Conservative) October 17, 1878 to June 6, 1891.
	2	February 12, 1880	May 7, 1880	
	3	December 9, 1880	March 21, 1881	
	4	February 9, 1882	May 17, 1882	
	Dissolved: May 18, 1882			
5	1	February 8, 1883	May 27, 1883	
	2	January 17, 1884	April 19, 1884	

Parliament	Session	Opening	Prorogation	Ministry
5	3	January 29, 1885	July 20, 1885	
	4	February 25, 1886	June 2, 1886	
	Dissolved: January 15, 1887			
6	1	April 13, 1887	June 23, 1887	
	2	February 23, 1888	May 22, 1888	
	3	January 31, 1889	May 2, 1889	
	4	January 16, 1890	May 16, 1890	
	Dissolved: February 3, 1891			
7	1	April 29, 1891	September 30, 1891	Hon. Sir J.J.Abott (Conservative)
	2	February 25, 1892	July 9, 1892	June 16, 1891 to November 24, 1892.
	3	January 26, 1893	April 1, 1893	Hon. Sir J. Thompson (Conservative)
	4	March 15, 1894	July 23, 1894	December 5, 1892 to December 12, 1894.
	5	April 18, 1895	July 22, 1895	Hon. Sir M. Bowell (Conservative)
	6	January 2, 1896	April 23, 1896	December 21, 1894 to April 27, 1896.
	Dissolved: April 24, 1896			Hon. Sir C. Tupper, Bart., (Conservative) May 1, 1896 to July 8, 1896.
8	1	August 19, 1896	October 5, 1896	Rt. Hon. Sir W. Laurier (Liberal)
	2	March 25, 1897	June 29, 1897	July 11, 1896 to October 6, 1911.
	3	February 3, 1898	June 13, 1898	
	4	March 16, 1899	August 11, 1899	
	5	February 1, 1900	July 18, 1900	
	Dissolved: October 9, 1900			
9	1	February 6, 1901	May 23, 1901	
	2	February 13, 1902	May 15, 1902	
	3	March 12, 1903	October 24, 1903	
	4	March 10, 1904	August 10, 1904	
	Dissolved: September 29, 1904			

Department	Building	Quantity	[illegible]	[illegible]
A	1	Beaker, 50 mL (12)	[illegible]	
	4	Funnel, 75 mm	[illegible]	
		[illegible]		
B	1	Clamp, iron	[illegible]	
	2	Tubing, rubber	[illegible]	
	1	Stand, ring	[illegible]	
	4	Screen, wire	[illegible]	
		[illegible]		
C	1	Lens, convex	[illegible]	
	2	Prism, glass	[illegible]	
	1	Battery, dry	[illegible]	
	3	Wire, copper	[illegible]	
	1	Bell, hand	[illegible]	
	2	Coil, induction	[illegible]	
		[illegible]		
D	1	Thermometer, lab	[illegible]	
	1	Calorimeter	[illegible]	
	1	Funnel, separatory	[illegible]	
		[illegible]		

Parliament	Session	Opening	Prorogation	Ministry
10	1	January 11, 1905	July 20, 1905	
	2	March 8, 1906	July 13, 1906	
	3	November 22, 1906	April 27, 1907	
	4	November 28, 1907	July 20, 1908	
	Dissolved: September 17, 1908			
11	1	January 20, 1909	May 19, 1909	
	2	November 11, 1909	May 4, 1910	
	3	November 17, 1910	July 29, 1911	
	Dissolved: July 29, 1911			
12	1	November 15, 1911	April 1, 1912	Rt.Hon. Sir Robert L. Borden (Conservative) October 10, 1911 to October 12, 1917.
	2	November 21, 1912	June 6, 1913	
	3	January 15, 1914	June 12, 1914	
	4	August 18, 1914	August 22, 1914	
	5	February 4, 1915	April 15, 1915	
	6	January 12, 1916	May 18, 1916	
	7	January 18, 1917	September 20, 1917	
	Dissolved: October 6, 1917			
13	1	March 18, 1918	May 24, 1918	Rt.Hon. Sir Robert L. Borden (Unionist) October 12, 1917 to July 10, 1920.
	2	February 20, 1919	July 7, 1919	
	3	September 1, 1919	November 10, 1919	
	4	February 26, 1920	July 1, 1920	
	5	February 14, 1921	June 4, 1921	Rt.Hon. Arthur Meighen (Unionist-National Liberal and Conservative Party) July 10, 1920 to December 29, 1921.
	Dissolved: October 4, 1921			
14	1	March 8, 1922	June 28, 1922	Rt.Hon. William Lyon Mackenzie King (Liberal) December 29, 1921 to June 28, 1926.
	2	January 31, 1923	June 30, 1923	
	3	February 28, 1924	July 19, 1924	
	4	February 5, 1925	June 27, 1925	
	Dissolved: September 5, 1925			

Parliament	Session	Opening	Prorogation	Ministry
15	1	January 7, 1926	July 2, 1926	Rt.Hon. Arthur Meighen (Conservative) June 29, 1926 to September 25, 1926.
	Dissolved: July 2, 1926			
16	1	December 9, 1926	April 14, 1927	Rt.Hon. William Lyon Mackenzie King (Liberal) September 25, 1926 to August 6, 1930.
	2	January 26, 1928	June 11, 1928	
	3	February 7, 1929	June 14, 1929	
	4	February 20, 1930	May 30, 1930	
	Dissolved: May 30, 1930			
17	1	September 8, 1930	September 22, 1930	Rt.Hon. R.B.Bennett (Conservative) August 7, 1930 to October 23, 1935.
	2	March 12, 1931	August 3, 1931	
	3	February 4, 1932	May 26, 1932	
	4	October 6, 1932	May 27, 1933	
	5	January 25, 1934	July 3, 1934	
	6	January 17, 1935	July 5, 1935	
	Dissolved: August 14, 1935			
18	1	February 6, 1936	June 23, 1936	Rt.Hon. William Lyon Mackenzie King (Liberal) October 23, 1935 to November 15, 1948.
	2	January 14, 1937	April 10, 1937	
	3	January 27, 1938	July 1, 1938	
	4	January 12, 1939	June 3, 1939	
	5	September 7, 1939	September 12, 1939	
	Dissolved: January 25, 1940			
19	1	May 16, 1940	November 5, 1940	
	2	November 7, 1940	January 21, 1942	
	3	January 22, 1942	January 27, 1943	
	4	January 28, 1943	January 26, 1944	
	5	January 27, 1944	January 31, 1945	
	6	March 19, 1945	April 16, 1945	
	Dissolved: April 16, 1945			

Parliament	Session	Opening	Prorogation	Ministry
20	1	September 6, 1945	December 18, 1945	
	2	March 14, 1946	August 31, 1946	
	3	January 30, 1947	July 18, 1947	
	4	December 5, 1947	June 30, 1948	
	5	January 26, 1949	April 30, 1949	Rt. Hon. Louis Stephen St.Laurent (Liberal) November 15, 1948 to June 21, 1957.
	Dissolved: April 30, 1949			
21	1	September 15, 1949	December 10, 1949	
	2	February 16, 1950	June 30, 1950	
	3	August 29, 1950	January 29, 1951	
	4	January 30, 1951	October 9, 1951	
	5	October 9, 1951	July 4, 1952	
	6	July 4, 1952	November 20, 1952	
	7	November 20, 1952	May 14, 1953	
	Dissolved: June 13, 1953			
22	1	November 12, 1953	November 20, 1954	
	2	January 7, 1955	July 28, 1955	
	3	January 10, 1956	August 14, 1956	
	Special	November 26, 1956	November 29, 1956	
	4	January 8, 1957	April 12, 1957	
	Dissolved: April 12, 1957			
23	1	October 14, 1957	February 1, 1958	Rt.Hon. John Diefenbaker (Progressive Conservative) June 21, 1957 —
	Dissolved: February 1, 1958			
24	1	May 12, 1958	September 6, 1958	
	2	January 15, 1959	July 18, 1959	
	3	January 14, 1960	August 10, 1960	
	4	November 17, 1960	September 29, 1961	

APPENDIX J

FEDERAL ELECTION RESULTS 1878-1958

Election Year	Party forming government	Total Seats	Conservatives Seats	Conservatives Votes(%)	Liberals Seats	Liberals Votes(%)	Progressive Seats	Progressive Votes(%)	Labor - CCF - NDP Seats	Labor - CCF - NDP Votes(%)	Social Credit Seats	Social Credit Votes(%)	Other Seats	Other Votes(%)	Reconstruction Seats	Reconstruction Votes(%)
1878	Conservative	206	140	53	65	45							1	2		
1882	Conservative	211	138	53	73	47										
1887	Conservative	215	128	51	87	49										
1891	Conservative	215	122	52	91	46							2	2		
1896	Liberal	213	88	46	118	45							7	9		
1900	Liberal	213	81	47	132	52							0	1		
1904	Liberal	214	75	47	139	52							0	1		
1908	Liberal	221	85	47	135	51							1	2		
1911	Conservative	221	134	51	87	48							0	1		
1917	Conservative*	235	153**	57	82*+	40							0	3		
1921	Liberal	235	50	30	116	41	65	23					4	6		
1925	Liberal	245	116	46	99	40	24	9					6	5		
1926	Liberal	245	91	45	128	46	20	5					6	4		
1930	Conservative	245	137	49	91	45	12	3					5	3		
1935	Liberal	245	40	30	173	45			7	9	17	4	7	3	1	9
1940	Liberal	245	40	31	181	51			8	8	10	3	6	7		
1945	Liberal	245	67	27	125	41			28	16	13	4	12	12		
1949	Liberal	262	41	30	193	49			13	13	10	4	5	4		
1953	Liberal	265	51	31	171	49			23	11	15	5	5	4		
1957	Conservative	265	112	39	105	41			25	11	19	7	4	2		
1958	Conservative	265	208	54	49	34			8	9	0	2	0	1		

*Wartime Coalition. **Government. *+Opposition.

Adapted from H.A.Scarrow, Canada Votes: A Handbook of Federal and Provincial Election Data (New Orleans: Hauser Press, 1962).

APPENDIX K

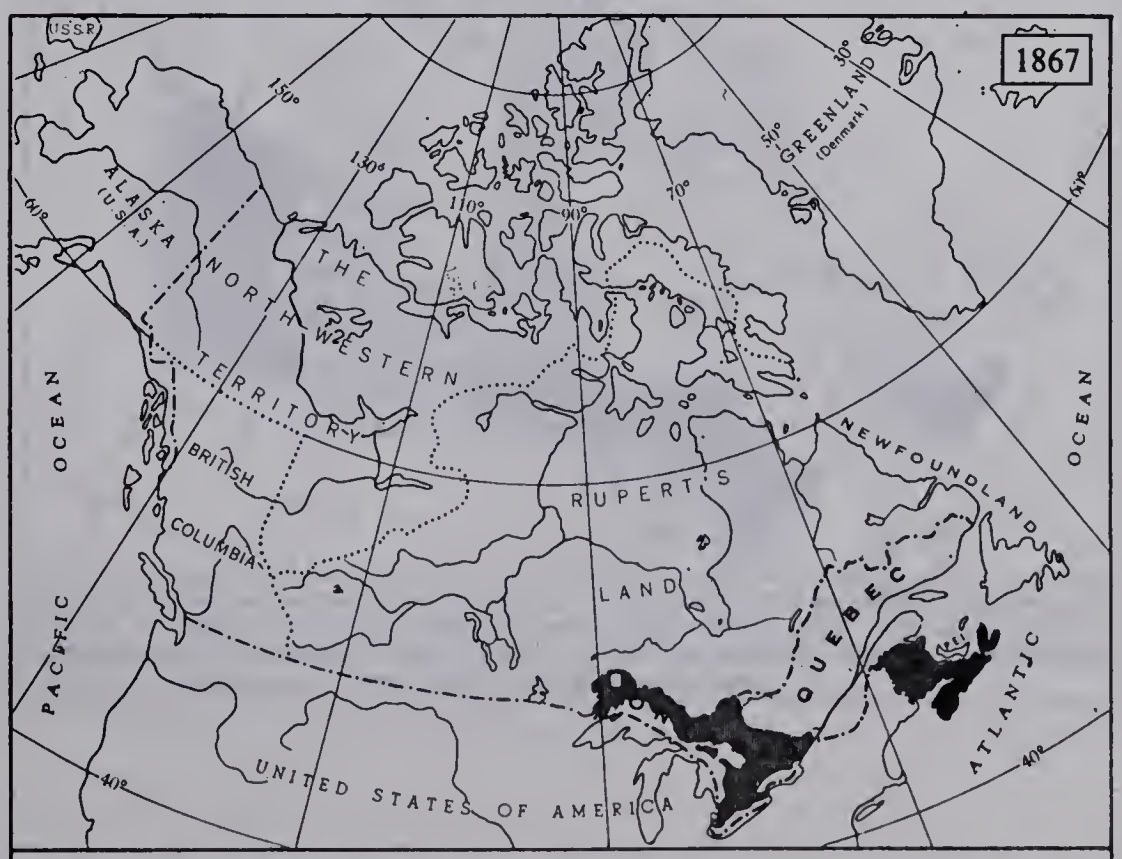
POLITICAL EVOLUTION OF CANADA
SINCE CONFEDERATION IN 1867

POLITICAL EVOLUTION OF CANADA SINCE CONFEDERATION IN 1867

The maps show the principal stages by which Canada evolved into a Federal State of ten Provinces and two Territories



Territorial divisions of the northern half of the North American Continent immediately prior to the formation of the Dominion of Canada in 1867.



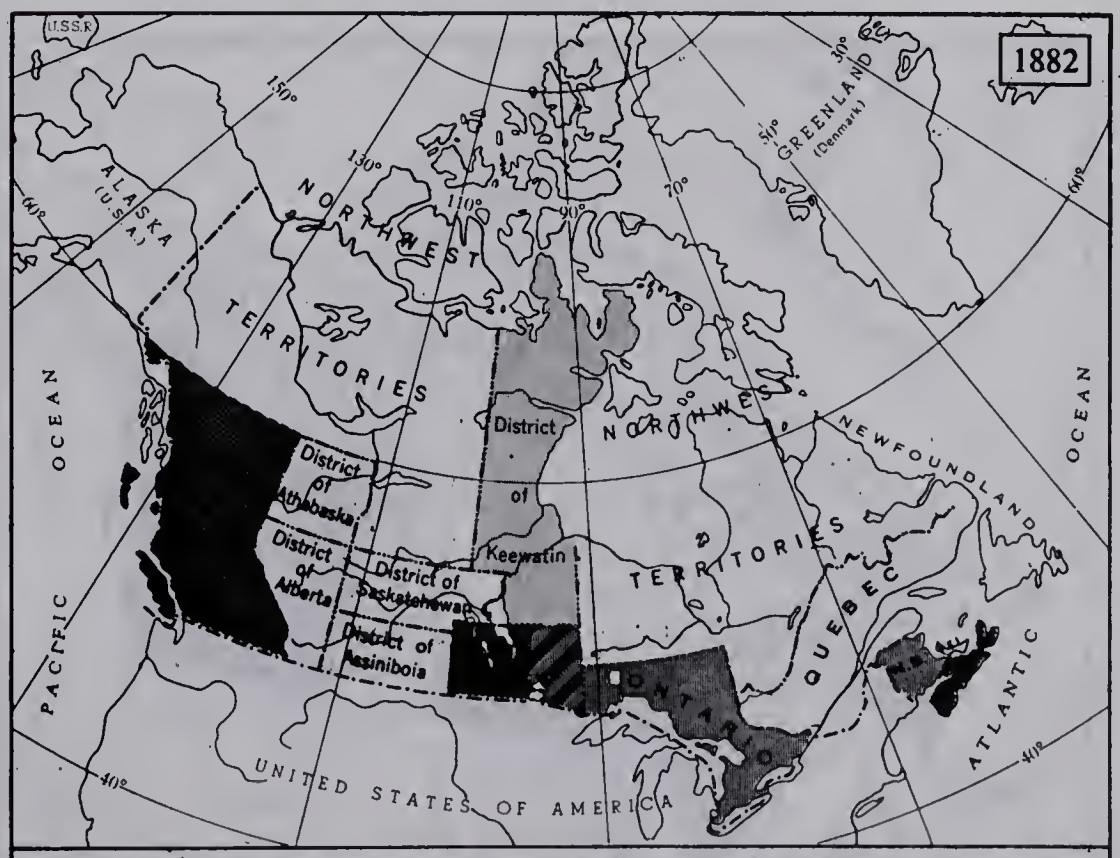
On July 1, 1867, the three provinces of Canada (the former provinces of Upper Canada and Lower Canada united in 1840), Nova Scotia and New Brunswick were formed into a Federal State, collectively known as Canada.







By 1873 Canada had acquired "Ruperts' Land and the North-Western Territory" (1870), changing their name to "North-West Territories" and creating the Province of Manitoba from part of them. British Columbia (1871) and Prince Edward Island (1873) were admitted to the Confederation as provinces.



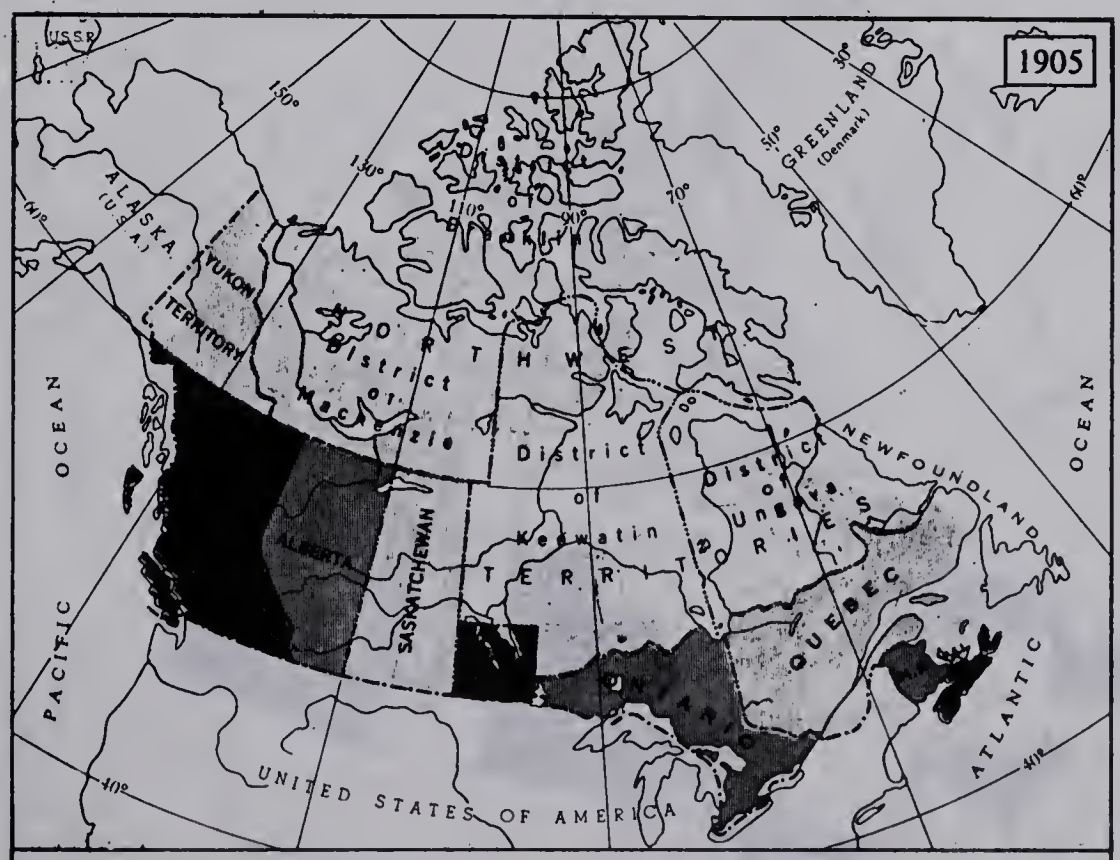
Provisional boundaries were established for Ontario in 1874 and in 1876 the District of Keewatin was formed. In 1880 the boundaries of Manitoba were extended and the islands north of the Canadian mainland passed to the Government of Canada. In 1882 the Districts of Assiniboia, Saskatchewan, Alberta and Athabaska were created within the North-West Territories.





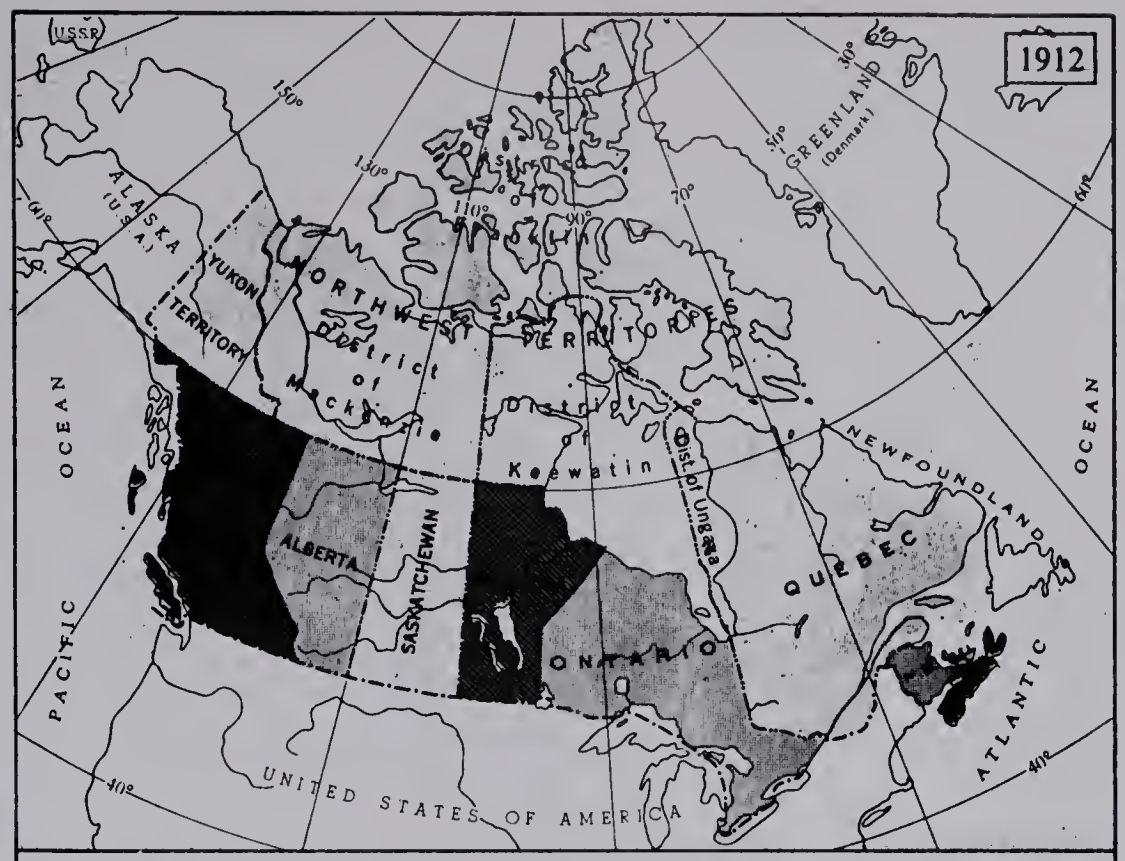


In 1895 the Districts of Ungava, Franklin, Mackenzie and Yukon were created; in 1897 changes were made in the boundaries of the northern Districts; and in 1898 the District of Yukon was made a separate Territory and the Province of Quebec was extended northward.

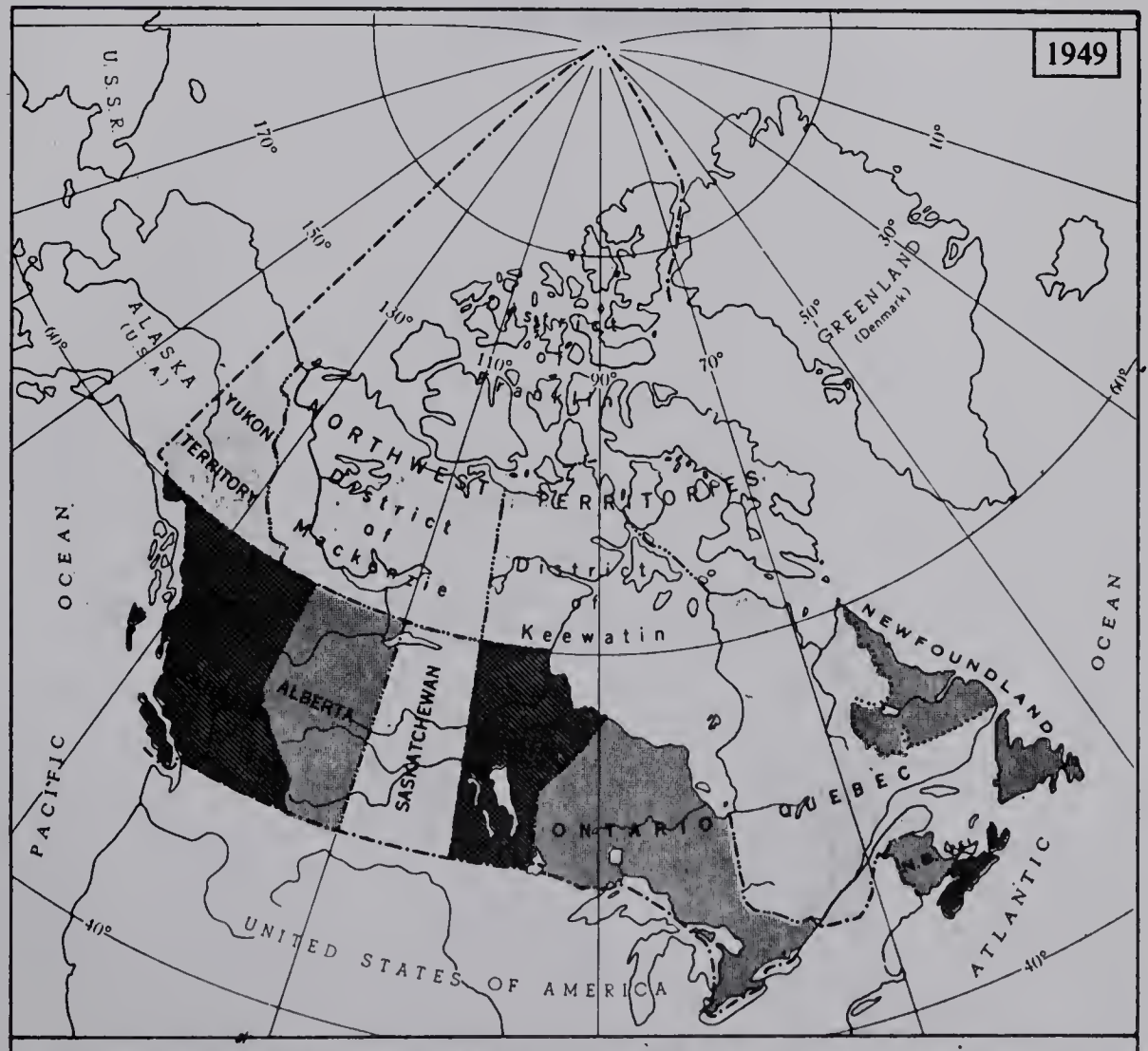


In 1905 the Provinces of Alberta and Saskatchewan were created and the District of Keewatin transferred back to the newly defined North-West Territories (Northwest Territories in 1906).





In 1912, the Provinces of Ontorio, Quebec ond Monitoba were extended northward to Hudson Bay and Stroit.



By 1925 Conoda extended to the North Pole; in 1927 the Imperial Privy Council rendered o decision on the boundory between Newfoundland ond Conodo; and in 1949 Newfoundland wos admitted to Confederation os Conado's tenth province.



APPENDIX L

THE DEBATERS

THE DEBATERS: CONSTITUTIONAL IMPLICATIONS*

	PERIOD OF DEBATE	TOTAL	POLITICAL PARTY Lib.	Cons.	Soc. Cr.	CCF.	Other	RELIGION R.C.	Prot.	Other	REGION Mar.	Que.	Ont.	Pr. Pr.	B.C.
	GOVERNMENT														
F	1867-1896	15	2	13				3	12		3	1	6	5	
O	1896-1945	8	4	4				3	5			2	5	1	
R	1946-1960	17	10	7				8	9		1	7	4	4	1
A															
I	OPPOSITION														
D	1867-1896	4	4					1	3			1	3		
	1896-1945	8	1	5		1	1	2	6		1	2	3	2	
	1946-1960	25	12	6	1	6		6	18	1	3	6	8	8	
	GOVERNMENT														
A	1867-1896	5		5				1	4		1	1	2	1	
G	1896-1945	2	1	1					2		1	1			
A	1946-1960	14	6	8				10	4			10	3		1
I															
N															
S															
T	OPPOSITION														
	1867-1896	15	14	1				6	9		5	1	8	1	
A	1896-1945	9	5	3			1	3	6			1	7	1	
I	1946-1960	19	12	5	1		1	10	8	1	2	7	5	4	1
D															

*Information relative to the various factors contained in this chart on each debater was obtained from the Canadian Parliamentary Guide, 1868-1960.

THE DEBATERS: MINORITY RIGHTS*

	PERIOD OF DEBATE	TOTAL	POLITICAL PARTY						RELIGION			REGION					
			Lib.	Cons.	Soc.Cr.		CCF.	Other	R.C.	Prot.	Other	Mar.	Que.	Ont.		Pr.Pr.	B.C.
FOR AID	GOVERNMENT																
	1867-1896	6		6						6		2		2		2	
	1896-1945	3	2	1					3				3				
	1946-1960	4	1	3					2	2		1	2			1	
	OPPOSITION																
	1867-1896	2	2							2		1		1			
	1896-1945																
	1946-1960	11	6	2			3		4	7		1	4	3		3	
AGAINST AID	GOVERNMENT																
	1867-1896	6		6					5	1		1	1	1		3	
	1896-1945																
	1946-1960	9	5	4					8	1			8				1
	OPPOSITION																
	1867-1896	11	10	1					4	7		2	2	7			
	1896-1945	2	1				1		2				1	1			
	1946-1960	9	6	2			1		6	3			5	4			

*Information relative to the various factors contained in this chart on each debater was obtained from the Canadian Parliamentary Guide, 1868-1960.

THE DEBATERS: HUMAN RESOURCES*

	PERIOD OF DEBATE	TOTAL	POLITICAL PARTY Lib.	Cons.	Soc. Cr.	CCF.	Other	RELIGION R.C.	Prot	Other	REGION Mar.	Que.	Ont.	Pr.	Pr.	B.C.
	GOVERNMENT															
F	1867-1896	13	1	12				3	10		3		2	7		1
O	1896-1945	11	5	6				1	10			2	7	2		
R	1946-1960	16	9	7				6	9	1	2	4	5	5		
A																
I	OPPOSITION															
D	1867-1896	8	8						8		1		6			1
	1896-1945	10	1	5		1	3	1	9			1	5	3		1
	1946-1960	21	9	4		8		4	15	2	3	3	7	7		1
	GOVERNMENT															
A	1867-1896															
G	1896-1945	2		2					2				1			1
A	1946-1960	2	2					1	1			1	1			
I																
N																
S	OPPOSITION															
T	1867-1896	6	6						6		1		5			
	1896-1945	3		2			1		3				2	1		
A	1946-1960	3	2		1			1	1	1		1		2		
I																
D																

*Information relative to the various factors contained in this chart on each debater was obtained from the Canadian Parliamentary Guide, 1868-1960.

THE DEBATERS: LOCAL CONTROL*

	PERIOD OF DEBATE	TOTAL	POLITICAL PARTY						RELIGION			REGION					
			Lib.	Cons.	Soc. Cr.		CCF.	Other	R.C.	Prot.	Other	Mar.	Que.	Ont.	Pr. Pr.	B.C.	
FOR AID	GOVERNMENT																
	1867-1896	2		2					1	1				1	1		
	1896-1945	8	5	3					4	4			2	3	2	1	
	1946-1960	18	8	10					6	12		3	3	5	5	2	
	OPPOSITION																
	1867-1896	1		1						1				1			
	1896-1945	6		4		1		1		6		1		3	2		
	1946-1960	26	10	7	2	7			5	19	2	4	4	9	8	1	
AGAINST AID	GOVERNMENT																
	1867-1896	4		4					1	3				3	1		
	1896-1945	1	1							1		1					
	1946-1960	14	8	6					10	4			10	3		1	
	OPPOSITION																
	1867-1896	4	4						1	3		1		3			
	1896-1945	10	6	3				1	4	6			1	8	1		
	1946-1960	11	8	2				1	4	7		2	2	6	1		

*Information relative to the various factors contained in this chart on each debater was obtained from the Canadian Parliamentary Guide, 1868-1960.

THE DEBATERS: NATIONALISM*

	PERIOD OF DEBATE	TOTAL	POLITICAL PARTY						RELIGION			REGION					
			Lib.	Cons.	Soc. Cr.		CCF	Other	R.C.	Prot.	Other	Mar.	Que.	Ont.	Pr. Pr.	B. C.	
	GOVERNMENT																
F	1867-1896	3	1	2					2	1				1	2		
O	1896-1945	6	3	3					1	5				5	1		
R	1946-1960	16	8	8					5	10	1	2	2	6	5	1	
	OPPOSITION																
A	1867-1896	3	2	1					1	2		1	1	1			
I	1896-1945	4	1	1			1	1		4				1	2	1	
D	1946-1960	18	7	5			6		2	16		4		7	7		
	GOVERNMENT																
	1867-1896																
A	1896-1945	2		2						2				1		1	
G	1946-1960	1		1					1			1					
A																	
I																	
N																	
S	OPPOSITION																
T	1867-1896																
	1896-1945	1						1		1				1			
A	1946-1960	2	1	1					1	1		1	1				
I																	
D																	

*Information relative to the various factors contained in this chart on each debater was obtained from the Canadian Parliamentary Guide, 1868-1960.

THE DEBATERS: SUMMARY*

	PERIOD OF DEBATE	TOTAL	POLITICAL PARTY					RELIGION			REGION				
			Lib.	Cons.	S·C.	CCF.	Other	R.C.	Prot.	Other	Mar.	Que.	Ont.	Pr. Pr.	B.C.
FOR AID	GOVERNMENT														
	1867-1896	39	4	35	0	0	0	9	30	0	8	1	12	17	1
	1896-1945	36	19	17	0	0	0	12	24	0	0	9	20	6	1
	1946-1960	71	36	35	0	0	0	27	42	2	9	10	20	20	4
		146	59	87	0	0	0	48	96	2	17	28	52	43	6
	OPPOSITION														
	1867-1896	18	16	2	0	0	0	2	16	0	3	2	12	0	1
	1896-1945	28	3	15	0	4	6	3	25	0	2	3	12	9	2
	1946-1960	101	44	24	3	30	0	21	75	5	15	17	34	33	2
		147	63	41	3	34	6	26	116	5	20	22	58	42	5
	Sub-Total	293	122	128	3	34	6	74	212	7	37	50	110	85	11
AGAINST AID	GOVERNMENT														
	1867-1896	15	0	15	0	0	0	7	8	0	2	2	6	5	0
	1896-1945	7	2	5	0	0	0	0	7	0	2	1	2	0	2
	1946-1960	40	21	19	0	0	0	30	10	0	0	30	7	0	3
		62	23	39	0	0	0	37	25	0	4	33	15	5	5
	OPPOSITION														
	1867-1896	36	34	2	0	0	0	11	25	0	9	3	23	1	0
	1896-1945	25	12	8	0	0	5	9	16	0	0	3	18	4	0
	1946-1960	44	29	10	2	0	3	22	20	2	4	16	16	7	1
		105	75	20	2	0	8	42	61	2	13	22	57	12	1
	Sub-Total	167	98	59	2	0	8	79	86	2	17	55	72	17	6
	TOTAL	460	220	187	5	34	14	153	298	9	54	105	182	102	17

*See Supra., Appendices L - 1 to L - 5 inclusive.

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